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DURING THE

SECOND SESSION OF THE THIRTY-EIGHTH CONGRESS,

1864--'65.

IN FIFTEEN VOLUMES.

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AND
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TO THE
TWO HOUSES OF CONGRESS,
AT
THE COMMENCEMENT OF THE SECOND SESSION
OF
THE THIRTY-EIGHTH CONGRESS.

PART IV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1865.

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SPAIN.

Mr. Seward to Mr. Perry.

[Extract.]

No. 12.]

DEPARTMENT OF STATE,
Washington, October 5, 1863.

SIR:

* * * * *
We hear as yet nothing from her Catholic Majesty's government concerning the question of maritime jurisdiction. We are frank, direct, and friendly in our attitude towards Spain. I need not say that we do not fear aggression, although we deprecate it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 14.]

DEPARTMENT OF STATE,
Washington, October 6, 1863.

SIR: Your two despatches written from Valencia, one without a number, dated August 24, and the other numbered 111, and dated August 27, have been received. The political information contained in the latter is very interesting.

Your proceedings relative to the occurrence which induced you to repair to Valencia are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 53.]

DEPARTMENT OF STATE,
Washington, October 8, 1863.

SIR: I have the honor to acknowledge the reception of despatches as follows: from Mr. Perry, late in charge of the legation, No. 113, bearing date September 15, and No. 114, of the date of September 18. From yourself, No. 53, of the date of September 18, and No. 54, of the date of September 20.

In the present paper I shall confine myself to so much of these despatches as relates to the question of the maritime boundary of Spain in the waters which surround the island of Cuba. Mr. Perry's proceedings on that question are approved, so far as their spirit and general effect are concerned, but he has unfortunately erred in regard to the form of proceeding he chose for referring the question to the arbitrament of his Majesty the King of the Belgians. Mr. Perry has assumed, and has left the Marquis of Miraflores to infer, that the President can properly make the reference without first obtaining the consent of the Senate of the United States. On the contrary, the United States cannot contract any binding engagement whatever with a foreign power except by a solemn treaty, which in every case must be submitted before ratification to the Senate for its approval. This point was explicitly reserved in my note to Mr. Tassara, of the 10th of August, and it ought to have been distinctly brought by Mr. Perry to the notice of the Marquis of Miraflores. You will please make the necessary explanation at the earliest convenient moment to the Marquis. With a view to carry the agreement into effect without any loss of time, I herewith send you the project of a treaty, a copy whereof I have also furnished to Mr. Tassara. You will submit this project to the Marquis of Miraflores, who will be expected to suggest any modifications of it which he may think necessary, and to give full powers to Mr. Tassara to close the negotiation. When I shall have agreed with him, the treaty can then be signed here, and having been duly executed, the President will promptly submit it to the Senate, and ask its approval thereof. If, as the President expects, that approval shall be given, the treaty will be formally ratified and exchanged. When thus exchanged, it will be the authority upon which his Majesty the King of the Belgians can proceed to examine and determine the question, and his award will be final and conclusive upon both parties.

I am not to be understood as raising any objections to the proposition of the marquis that her Catholic Majesty shall address a letter to the King, requesting him to assume the office of arbitration; though the request must, of course, admit the reservation of the approval of the measure by the Senate of the United States. A letter of that form would be a proper demonstration of respect to his Majesty, and the President will concur in it by addressing a similar letter to the King.

It will require due consideration on your part so to conduct this affair as, in the first place, to satisfy the cabinet of Spain that the departure from the course agreed upon between Mr. Perry and the Marquis of Miraflores is rendered necessary by the form of our organic law; and secondly, to relieve Mr. Perry of a misapprehension of our course on the subject; to which end you are authorized to say to him that his error is set down to the account of mere inadvertence, and does not at all derogate from the highest appreciation of his ability and diligence in conducting the important negotiation with which he has been charged.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

PROJECT.

Convention between the United States of America and her Catholic Majesty.

The United States of America and her Catholic Majesty, being equally desirous of preserving and strengthening the amicable relations which have so long existed between them, and, with that view, of disposing satisfactorily of the disputed question concerning the maritime jurisdiction of Spain in the waters

which surround the island of Cuba, have agreed to conclude a convention for that purpose, and have named as their plenipotentiaries the following persons: The President of the United States, William H. Seward, Secretary of State of the United States, and her Catholic Majesty, Señor Don Gabriel Garcia y Tassara, who, having exchanged their full powers, found in good and due form, have signed the following articles:

ARTICLE I.

The contracting parties agree that a copy of the correspondence between William H. Seward, Secretary of State of the United States, and Señor Don Gabriel Garcia y Tassara, accredited to the United States as her Catholic Majesty's envoy extraordinary and minister plenipotentiary, touching the maritime jurisdiction claimed by Spain beyond the shores of the island of Cuba, and also the correspondence, on the same question which has taken place between Mr. Horatio J. Perry, &c., &c., &c., and the Marquis of Miraflores, &c., &c., &c., shall be submitted to the consideration of his Majesty the King of the Belgians, in order that his said Majesty, as arbiter, may determine the single question involved therein, namely, whether the maritime jurisdiction of her Catholic Majesty in the waters which surround the island of Cuba extends only three miles, or whether it extends six miles from the coast of said island.

ARTICLE II.

The contracting parties further agree to abide by the decision of his said Majesty from and after the time when the same shall have been made known to them.

ARTICLE III.

This convention shall be ratified, and the respective ratifications shall be exchanged at Washington, within ——— months from the signature hereof, or sooner if possible.

In faith whereof, we, the plenipotentiaries of the United States of America and her Catholic Majesty, have signed and sealed these presents.

Done at Washington, on the — day of ——— in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-eighth.

Mr. Seward to Mr. Koerner.

No. 55.]

DEPARTMENT OF STATE,

Washington, October 23, 1863.

SIR: Your despatch of September 26, No. 56, has been received, and is approved.

The note of the Marquis of Miraflores to Mr. Perry, which bears date on the 18th September, was designed to define the question which is to be submitted to the arbitrament of the King of Belgium, and to deprive it of all uncertainty. The note is very properly conceived, yet it contains one expression that may possibly tend to confuse the question. This expression is found in the first paragraph, and is in these words: "Seeing that she (meaning Spain) has been in peaceful possession of it," meaning the six miles of maritime jurisdiction around the island of Cuba.

Now it is proposed that for the purpose of elucidating the subject, the correspondence of the two governments upon the question of the maritime bound-

ary of Cuba shall be submitted to arbitration. Of course, the above-mentioned note of the Marquis of Miraflores would fall among the papers submitted to the proposed royal arbiter. But this government, while it leaves her Catholic Majesty free to assert that she has been in possession of the belt claimed, does not by any means admit the accuracy of the assertion thus made. It is very clear that the Marquis does not design to claim that we have admitted it, since the fact has been controverted in our part of the correspondence. You will please give a copy of this despatch to the Marquis, and ask him to strike out from his note the words I have quoted, or to give you a new note in which he will express his acquiescence in the views I have herein presented.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 57.]

DEPARTMENT OF STATE,

Washington, November 17, 1863.

SIR: Your despatches, No. 57, of the 8th of October, and No. 58, of the 11th of October, have been received. The facts they communicate touching the efforts of the French emperor to increase his influence in Spain, and on the subject of the insurrection in Santa Domingo, are very interesting.

You were quite right in assuring the Marquis of Miraflores that the accusations to which you allude, concerning our participation in the troubles at Santa Domingo, were utterly groundless. All reports or intimations of any kind that the government or people of the United States have practiced, or are practicing, interference in that quarter, or in Cuba, or elsewhere, are entirely without any foundation in fact.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 58.]

DEPARTMENT OF STATE,

Washington, November 23, 1863.

SIR: Your despatch of October 24, No. 59, has been received, and I give you my sincere thanks for the fidelity with which, as it seems to me, you have fixed upon a permanent plate the political scene now passing at the Court of Madrid.

The idle calumny that the United States have stirred up and are giving aid to the revolutionary movements now occurring in the island of San Domingo would not be thought worthy of notice if it had not been presented to me by Mr. Tassara. I give you, for your information, a copy of the correspondence which has been held on that subject between him and this department. I am further not unwilling to have an occasion to let it be known to Spain, as well as to other nations, how faithfully we practice the duties, as well as assert the rights, of a sovereign state. The United States neither contrive, nor aid, nor encourage, nor mix themselves up in civil or international wars of other nations.

They submit their record on this matter to the examination of the world, and challenge contradictions of its verity. You may express yourself to this effect, and even to this extent, if occasion should arise in your conversations with the Marquis of Miraflores.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 64.]

DEPARTMENT OF STATE,

Washington, January 7, 1864.

SIR: Your despatch of December 2, No. 67, has been received.

I have carefully weighed the correspondence which accompanied that paper, intended to elucidate and define the maritime boundary question which is to be submitted by treaty to the arbitrament of his Majesty the King of the Belgians, and I accept the note of the Marquis of Miraflores as excluding the idea of consent on the part of the United States to the claim asserted in that respect on the part of Spain, which is all that was necessary, and all that was desired, while at the same time it leaves Spain at liberty to maintain the allegation. Mr. Tassara informs me that he has not yet received his power to execute the treaty.

I thank you very sincerely for the interesting account you have given me of the condition of domestic politics in Spain, and I have read, also, with profound attention, your remarks on the proposition by the French emperor of a European congress.

It is gratifying to all who are well-wishers of Spain, as we are, to know that her financial and material conditions exhibit a substantial and encouraging improvement.

We shall look with considerable interest for the explanation of the new system of administration in Cuba which you have promised to send so soon as that system is fully matured.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

[Extract.]

No. 66.]

DEPARTMENT OF STATE,

Washington, January 16, 1864.

SIR: Your despatches Nos. 68, 69, and 70, dated the 6th, 20th, and 28th of December, respectively, have been received. Your representations to the Marquis of Miraflores on the subject of our neutrality in all foreign complications are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

No. 73.]

LEGATION OF THE UNITED STATES,

Madrid, January 17, 1864.

SIR: The telegraph will have informed you, ere this, that the cabinet of Miraflores has ceased to exist. It was defeated, on Friday last, by a large vote in the Senate. The question on which the vote was given was one arising out of a proposition of the ministry to repeal certain organic laws which had been passed in 1857 under the administration of General Narvaez. By the constitution of 1845 all senators were nominated for life by the Crown, to be taken from certain classes of functionaries or from the *grandees* of Spain, enjoying a certain fixed income from land or other stable sources. The organic laws of Narvaez, called reforms, provided that the dignity of senators should be hereditary in the family of *grandees*, upon condition, however, as heretofore, the heir should have the requisite income, and, in order to secure this property qualification, the *grandees* were permitted to entail their estates.

Another of these reforms of Narvaez provided that the rules of both houses of the Cortes should be established by a law, thus placing it out of the power (as was alleged) of accidental majorities in either house to oppress minorities by arbitrary changes of the rules. These reforms, however, remained a dead letter; neither the administration of Narvaez (which hardly survived the passage of the reforms) nor any of the various subsequent cabinets finding it advisable to even propose a law of entail for the *grandees*—the common law of Spain forbidding the entailing of estates—nor to offer a law establishing parliamentary rules for the Cortes.

The present ministry, counting upon the support of the O'Donnel party, which was committed in favor of repealing the many reforms, introduced a bill abolishing the provisions allowing *grandees* to entail, and also the one which provided for a law of parliamentary rules. As it was admitted, on all hands, that the said Narvaez reforms had produced no change, and remained unexecuted, and would in all probability ever so remain, it is very clear that the question of itself was of no great moment. The ministry, however, trying to remove from the organic laws provisions which had become impossible of execution, had undoubtedly the better side of the question. Its motive for raising such an unsubstantial question was probably to obtain some cheap popularity, as the proposition to deprive the *grandees* of the privilege to entail, and thereby prevent in many instances the inheritance of the senatorial dignity, had a certain odor of liberality about it.

The measure could only have been carried by the assistance of the O'Donnel party, (Union liberal.) but that party almost to a man voted with their chief, O'Donnel, whose only object was to beat the ministry, to which he had of late become very hostile. This conduct was of course inconsistent with their former professions and pledges in regard to the Narvaez reforms, but the ministry must have been very blind if they counted upon political morality in any of the existing parties.

Although the adverse vote was not given directly on the bill proposed by the ministry, but on a preliminary question, which showed, however, pretty plainly what it would be on the main question; the Senate was immediately adjourned and the ministers tendered their resignation, which, under the circumstances, had to be accepted. No cabinet has been formed yet. The probability is that another coalition ministry will be called in, and although such an one offers no stability, yet it is difficult to do anything else at present where neither the conservatives, nor the *Progressistas*, nor the old O'Donnel compromise party, (Union liberal,) has a majority in either house, or perhaps in the country. If Narvaez, as head of the *Moderados*, or Olazaga-Prim, as heads of the *Progressistas*, were to

form a cabinet, the present Cortes would, at all events, have to be dissolved, and an appeal made to the people. Should a new election give a decided majority to the ministry, a somewhat more permanent government might be expected.

Personally I regret the retirement of the Marquis of Miraflores. He was a model gentleman of the old school, formal to a certain degree, yet very courteous and even cordial. He was frank, and, I think, a man of honor. His mental capacities were not considered very high, yet he has considerable experience in public affairs, and I think he made, upon the whole, a pretty good minister.

I am just informed of the formation of a new ministry; although Narvaez is not in it, its complexion is "moderado." President and minister of state is Arrazola, judge of the supreme tribunal of Spain. He was a cabinet minister many years ago. Minister of war is General Lersund, Colonies, Alexander de Castro. The other ministers are gentlemen of whom little is known outside of Spain.

I have the honor to be, very respectfully, your most obedient servant,
GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 67.]

DEPARTMENT OF STATE,

Washington, February 6, 1864.

SIR: By the 9th article of the treaty of Washington of the 9th of August, 1842, between the United States and Great Britain, it is stipulated that the parties will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets [for African negroes] are allowed to exist, and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever.

Spain is believed to be the only Christian state into whose dominions African negroes are now introduced as slaves. She has a treaty with Great Britain stipulating for the suppression of that traffic. The instrument was concluded at a time and under circumstances which, as it seems to us, imposed a peculiar weight of moral obligation on Spain to see that her stipulations were carried into full effect. It is understood, however, that the just expectations of the British government in that respect have been signally disappointed. This has no doubt been mostly owing to the fact that a great part of the public revenue of Spain has hitherto been derived from Cuba, the prosperity of which island has in some quarters been erroneously supposed to depend upon a continued supply of imported slave labor. This is believed to be the source of the disregard of Cuban slave-dealers of the humane policy of the home government, and the alleged inefficiency at times of the colonial authorities.

We have no treaty with Spain on the subject of the slave trade; but, as the laws of the United States characterized it as piracy long before our treaty with Great Britain above referred to, we think ourselves entitled to consider that trade an offence against public law, so far as to warrant our faithful compliance with the stipulation contained in that treaty. Herewith I transmit a copy of an informal note on this subject of the 4th instant addressed to me by Lord Lyons, and of the papers to which it refers. From these it appears that though the number of Africans introduced into Cuba is diminishing, yet that the municipal laws in force there require amendment before a stoppage of the traffic can be expected. The peculiar relations of Great Britain to Spain with reference to this topic may justify to the full extent the text of the note of Sir John Crampton to the Marquis of Miraflores. The relations of the United

States to Spain, however, are of a different character, but the President authorizes and directs you to address a communication in general terms to the Spanish minister for foreign affairs, setting forth the treaty stipulations between the United States and Great Britain on this subject, and stating that it would afford the utmost satisfaction in this country if any obstacles existing in Cuba to the complete suppression of the African slave trade should be removed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Koerner to Mr. Seward.

[Extract.]

No. 76.]

LEGATION OF THE UNITED STATES,
Madrid, February 14, 1864.

SIR :

The Santo Domingo question is lately occupying very much the thoughts of the reflecting portion of the nation. Some papers boldly advocate an abandonment of the island. It is certain that the cabinet has been very much engaged with the subject. Officials lately arrived from the theatre of war have been examined by the ministers. It is reported, upon pretty good authority, that a commission will be sent there to make a thorough investigation into the condition of affairs. Letters from the island, freely published in the papers here, represent a thorough conquest, and the restoration of lasting tranquillity there, as impossible. It is easy enough for the Spanish troops to subdue the insurgent places near the coast, where such troops can be subsisted by the fleet. But the interior is said to be so thickly peopled, so little cultivated, so densely covered by primeval forests, so destitute of roads, that no armies can penetrate into the country, where bands of natives can exist with ease, ready to issue forth, whenever an opportunity offers, to assail the Spanish posts.

I believe that the government of Hayti does its best (at least apparently) to prevent encouragement and material aid being given to the Santo Domingo people; but this being a war of races, and Spain being feared as a neighbor in the island, it cannot, weak as it is, restrain the Haytians from affording great assistance to the insurgents. Add to all this the terrible climate, which is making fearful ravages in the Spanish army, and it may well be believed when it is said that there is hardly a man now in Spain but regrets deeply this annexation, and denounces it now as a most egregious blunder. A strong and powerful ministry alone, however, could take the step of abandoning the fatal gift, and such a one does not at present exist, and may not exist for a long time to come. In the meanwhile the finances of Spain, never very flourishing, though lately improving, will suffer very greatly.

The Dutch and Prussian ministers here, as also the consul general of the Hanseatic towns, have received instructions from their respective governments to present claims for damages done to their shipping by the bombardment of Puerto Plata by the Spanish forces. The English minister has also received notice that claims will be presented. Upon the supposition that the United States had similar claims I have been applied to for joint action in the matter. But as I have not received any information on the subject, I have of course refrained from saying or doing anything.

Your circular despatch of the 12th of August, 1863, presenting succinctly and forcibly a tableau of the condition of military affairs in our country, and of the steady progress of the Union cause, has been translated by Mr. Perry into

Spanish, and has been issued in pamphlet form in a neat and elegant style here in Madrid, and is now distributing. Mr. Perry has already sent you some copies. It has made a favorable impression.

I have the honor to be, most respectfully, your most obedient servant,
GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Koerner.

No. 69.]

DEPARTMENT OF STATE,
Washington, February 25, 1864.

SIR: Your despatch of January 31, No. 75, has been received.

Mr. Tassara informs me that he has not received a power or instructions to execute the treaty concerning maritime jurisdiction. The negotiation, therefore, remains in abeyance.

I shall refer to the subject of the complaint of hospitalities extended to the privateer Georgia in a distinct communication.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 78.]

LEGATION OF THE UNITED STATES,
Madrid, February 28, 1864.

SIR:

Some time previous to the receipt of your last, Sir John Crampton had called upon me, and had explained the grounds and the object of the remonstrances which his government had felt itself compelled to make to the Spanish government respecting certain failures in the proper execution of treaty stipulations existing between Great Britain and Spain as to the suppression of the slave trade. He also informed me of the President's promises to support the British reclamation according to the Washington treaty. Subsequent to the receipt of your despatch upon that subject I had another interview with Sir John, in which he informed me of the conversation and the correspondence which he had already had with the minister of state on the question, and of his prospects of success.

In pursuance of your despatch I have addressed a note to Señor Arrazola, the minister of state, a copy of which I have the honor to enclose. I have also furnished a copy to Sir John.

Another political crisis seems to have been reached here. It is generally supposed that within a few days the ministry will resign, or that they will dissolve the present Cortes and appeal to the country.

As no change of administration will, in my opinion, seriously affect our relations with Spain, I forbear to indulge in speculations as to the probable successors of the present ministry, and as to the state of politics here generally.

I enclose a copy of the *Iberia*, of the 17th of this month, containing an article

of General Prim, (*El Condé de Reus*), in which he gives a brief sketch of his journey to the United States, and dwells more particularly on the great military and financial resources of the United States. The Iberia being the principal organ of the great *Progressista* party, and having a very wide circulation, the views of the general, so favorable to the great Union cause, and so flattering to our national power, cannot fail to create an excellent impression among the people of Spain.

It is understood that the ministry have last night tendered their resignation to the Queen; whether it will be accepted, or whether the Cortes will be dissolved, is not yet ascertained.

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Koerner to Mr. Arrazola.

LEGATION OF THE UNITED STATES,

Madrid, February 27, 1864.

SIR: The subject of suppressing the inhuman African slave trade has been one of deep anxiety to the government of the United States from the time of its foundation. The United States have been among the first of nations, if not the first, that have denounced this traffic in human beings as piracy, and have visited their own citizens implicated in it with the severest penalties. At very heavy pecuniary sacrifices, and at the risk of the lives of their own naval officers and seamen, they have for more than twenty years supported a squadron on the western coast of Africa, in a most destructive climate, in order to prevent the successful carrying on of this nefarious trade.

They have, with a like view, entered into stipulations with the government of her Britannic Majesty, in the year 1842, contained in what is called the treaty of Washington, the 9th article of which is as follows:

[Here follows the article entire.]

The attention of the President of the United States has lately been directed to certain difficulties which have presented themselves, and which appear to prevent a complete suppression of the slave trade in the colonial possessions of her Catholic Majesty; and more especially in the island of Cuba, which difficulties do not arise from any desire of the Spanish colonial authorities to favor the said trade. It is well known that the efforts made by the captain general of that island correspond entirely to the wise and humane policy which the home government of her Catholic Majesty has adopted in regard to the subject in question, and which is thoroughly appreciated by the President and the people of the United States. The difficulties spoken of seem to be inherent in the laws and regulations in existence, which are supposed to give room to interpretations by which their force may be evaded.

In view of the general policy of the United States, which looks upon the African slave trade as an offence against the public law of nations, and has denounced it as piracy; in view, also, of the treaty stipulations existing between them and the government of her Britannic Majesty, the President of the United States has instructed me to respectfully call the attention of her Catholic Majesty's government to this subject, and to suggest such a revision of the existing laws and regulations concerning the unlawful introduction of slaves into

the island of Cuba as will best accomplish the object which her Majesty's government had in view when those laws and regulations were enacted.

It is hardly necessary for the undersigned to assure your excellency that these suggestions arise from the purest motives, and would not have been made unless the President had considered the very friendly and cordial relations existing between the United States and Spain as justifying this application, and had he not been bound to another friendly nation by engagements which it is his duty as well as his pleasure to carry out faithfully.

It is almost equally unnecessary for me to inform your excellency that it would afford the utmost satisfaction to the President and the people of the United States if any obstacles existing in the island of Cuba to the complete suppression of the African slave trade should be removed by the considerate action of the government of her Catholic Majesty.

The undersigned takes great pleasure to assure, &c., &c., &c.

GUSTAVUS KOERNER.

His Excellency Señor D. L. ARRAZOLA,

Minister of State of her Catholic Majesty, &c.

Mr. Seward to Mr. Koerner.

No. 71.]

DEPARTMENT OF STATE,

Washington, March 7, 1864.

SIR: On the 6th of last month a note was received at this department from Mr. Tassara, requesting that a certain shipment of leather accoutrements destined for Spanish troops in Cuba, which had been detained at the New York custom-house, might be allowed to proceed to their destination. The existence of a general order of the War Department, which prohibits the exportation of arms and military accoutrements, forbade a compliance with the request of Mr. Tassara. As information upon this subject will probably be communicated by him to his government, it is deemed proper to bring the matter to your attention, in order that you may be able to explain to her Catholic Majesty's minister for foreign affairs the grounds upon which the refusal of Mr. Tassara's request was based. At the present time the resources of the country are taxed to the utmost to supply our own troops, and for this reason the government is compelled to enforce rigidly the executive order of November 21, 1862, prohibiting the exportation of arms, ammunition, and military stores. It is hardly necessary to add, that under other circumstances the request of her Catholic Majesty's minister would have been most cheerfully complied with.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Koerner to Mr. Seward.

No. 79.]

LEGATION OF THE UNITED STATES,

Madrid, March 8, 1864.

SIR: Some weeks ago the British steamer *Princess*, Captain St. Clair, from New Castle to Ancona, in ballast, entered the port of Malaga to coal.

Suspicion being aroused, a somewhat thorough search by the port authorities discovered secreted in the hold several rifled cannon, revolvers, sabres, a large amount of powder, military accoutrements, Congreve rockets, boarding hooks,

and a box full of signals. These articles, not being in the manifest, and therefore liable to confiscation, were seized, and are now in the government stores. The captain and crew were arrested, but, on the guarantee of the British consul, were allowed to remain on board. An embargo is laid on the ship. Captain and crew protest their innocence; state that they were engaged by a Mr. Felix, *alias* Captain Robson, to take charge of the ship in ballast, and to take her around to Ancona, where she was to serve as a packet on the Adriatic, and that they absolutely did not know what was secreted in the hold.

By some it was supposed that the cargo was intended for revolutionists in Spain; by others for the party of action in Italy; still by others that it was to be shipped to the Danubian principalities, or to Circassia.

The peculiar character of the armament, however, has led some, myself included, to believe that it was meant to be transhipped to some confederate pirate.

Before the Princess made Malaga she had been hovering around the coasts of the Bay of Biscay and of Portugal, probably waiting for the Florida from Brest, or the Rappahannock (Virginia,) which lately left England in an unfinished condition.

Our vice-consul at Malaga, Mr. Geary, is watching the proceedings there closely. Sir John Crampton has in a very friendly manner given me all the information he himself possesses, derived from voluminous reports of the British consul at Malaga. The consuls of Cadiz, Valencia, and Barcelona, have received instructions to exercise the utmost vigilance in their respective ports. The contraband articles are for the present out of harm's way, and will in all probability be confiscated. Feeling thus secure for some time to come at least, I have not yet addressed myself to the government here, awaiting further developments.

I mean, however, to have an informal conversation about the subject in my next interview with the minister of state.

Respectfully, your obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 72.]

DEPARTMENT OF STATE.

Washington, March 12, 1864.

SIR: Your interesting despatch of the 14th of February, No. 76, has been received.

The war in St. Domingo is an affair which can be considered by this government only with reference to the duties and obligations of the United States as a member of the family of nations. The revolutionists in that island have, in various forms and through several channels, appealed to this government for recognition, for aid, and for sympathy. Pursuing the policy we have too ineffectually insisted upon at the hands of other nations, we have not received any agents of the revolution, even informally, nor have we in any way responded to them, while we have given instructions to ministerial officers to see that the neutrality laws of the United States are regularly maintained and enforced.

You must have already received instructions from this department to submit certain claims of American citizens against her Catholic Majesty's government for redress for injuries and losses sustained by them, as they represent, in the military operations which have taken place on the island. Those instructions

indicate with sufficient clearness, it is hoped, the manner in which the claims are to be presented. It is thought inexpedient to authorize any concert with the representatives of other powers in presenting or prosecuting the claims.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

No. 83]

LEGATION OF THE UNITED STATES,
Madrid, March 20, 1864.

SIR: I had the honor of addressing you in my despatch, No. 79, of the 5th instant, upon the seizure of the British steamer *Princess* at Malaga. I did believe at the time that the *Princess* was a confederate boat, and had taken measures accordingly. A few days after sending my despatch, Sir John Crampton paid me a visit and laid before me photographic copies of two letters, directed to Captain Sinclair, of the *Princess*, which he had just obtained from the British consul at Malaga, and which seem to place the matter in a different light. The first is a note without signature, dated Paris, and on which is imprinted the national seal of Poland. It informs Captain Sinclair that Prince C. has taken proper steps to release him and the boat; that Count Wohl had left with good letters of recommendation, for Madrid, and that the captain would soon hear from the count. I may remark here that C stands, in all probability, for Czartorisky, Prince Wladislaew Czartorisky being president of the Polish National Committee at Paris. The second letter is one written from a hotel in Madrid by said Count Wohl, informing the captain of his arrival, and enclosing to him for present purposes two hundred dollars.

It would appear, therefore, that the *Princess* was fitted out in the interest of the Polish revolution. The object is still a matter of some mystery; I cannot well imagine it, and to me the plan of operating against Austria or Russia by sea appears to be a very wild one. Yet the present state of Europe offers such a labyrinth of complications that even the most fantastic schemes may carry with them probabilities of success.

In order to find out, if possible, what steps have been taken by this Count Wohl here in Madrid in respect to the boat and crew, and to make myself still more certain of the true character of the persons interested in the enterprise, I had an interview with the minister of state, Señor Pacheco. He said he had no knowledge of any agent having arrived here. No one had approached him on the subject. It was a matter, however, which belonged to the minister of finance. He thought, from what he had heard, that the *Princess* was chartered on Polish account. The Russian minister had been to see him about it. The cargo, he thought, and perhaps the boat too, would be confiscated.

I have, however, still advised our vice-consul at Malaga to watch proceedings there closely and to report to me everything of importance. Mr. Ruiz Geary, the vice-consul, has done very well, and shown an intelligent zeal in the matter. To Sir John I feel under great obligations. He has made it a point to give me all information in his possession at the earliest moment, and on this, like all other occasions, has shown none but the best feelings for our country.

I think the idea of retiring from San Domingo is growing stronger here every day. It undoubtedly would be the wisest policy, but none except a strong ministry will be equal to the task, and such a one does not at present exist. There is much ability in the cabinet, but its strength in the Cortes has not yet been tested.

The Archduke Maximilian has just returned to Miramare, and in a few days

will formally accept the Mexican crown and assume the title of the "Emperor of the Mexicans." Ambassadors and ministers will be immediately sent to the European powers before he embarks. The name of the person designed to represent him here is already given in the papers. I would thank you for an intimation as to the manner in which you desire me to regulate my conduct towards him. He will, of course, make me an official visit. Shall it be returned officially, or only privately?

Your obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

[Extract.]

No. 73.]

DEPARTMENT OF STATE,
Washington, March 21, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of February 28, No. 78, and to inform you that the manner in which you have executed my instructions to communicate with her Catholic Majesty's government concerning the slave trade in Cuba is entirely approved.

I thank you for the copy of the publication made by the Condé de Reus, containing the results of his observations in America. The article has been already transferred to our journals, and it has given much satisfaction to the American people.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 74.]

DEPARTMENT OF STATE,
Washington, March 22, 1864.

SIR: For your information I enclose herewith a copy of a despatch of the 12th instant from the consulate general at Havana, on the subject of an apprehended revolt of the negroes on the island, through the agency of Dominican and Haytian emissaries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 75.]

DEPARTMENT OF STATE,
Washington, March 25, 1864.

SIR: I enclose herewith a copy of a letter, dated the 23d instant, which has been received at this department from the Secretary of the Navy, calling attention to certain facilities extended by the Spanish Admiral Don F. Pavia to the commander of the United States steamer Wyoming, in allowing that vessel to be repaired and replenished with coal at the Spanish naval depot at the port of Cavite. Pursuant to the suggestion contained in this letter, you are instructed,

upon the receipt of this despatch, to communicate to Admiral Pavia, through the appropriate channel, the thanks of this government for the facilities so kindly and courteously extended by him to the commander of the Wyoming.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 85.]

LEGATION OF THE UNITED STATES,

Madrid, March 27, 1864.

SIR:

The new ministry has lately carried in the Senate a law by which, in principle, the hereditary right of grandees of Spain to have, under certain conditions, a seat in the Senate, has been abolished. There is, however, a reservation in the law which secures the right to persons who have it now, but have not actually taken their seats in the Senate, either by reason of their minority or some other cause. As the majority in the Senate was very large, there seems to be no doubt of the House of Deputies adopting the measure also. I look upon the changes as of no consequence. There were but few grandees who could enter by mere inheritance, as to do so required also a yearly fixed income of \$10,000, which few had; besides, it is doubtful whether the Senate would not have gained by having at least some members in it who did not owe their office to the nomination of the government. Yet even the liberals in Spain, a good deal like their neighbors in France, seem to care much more about equality than about liberty, not reflecting that in a pure despotism there is really the greatest equality, all being equally slaves. A Senate composed exclusively of a privileged class would secure the rights of the people a great deal better than one which is entirely filled up by the nomination of the Crown.

It is stated here in various journals, which are likely to receive information from ministerial circles, that Mr. Preston has gone to Mexico to establish commercial relations with the new empire, and to procure its recognition of the Confederate States. It is also said in some of the papers that Spain has entered into a treaty with the new emperor, reserving the throne of Mexico, in case of failure of issue, to a Spanish prince. This would be an important fact if true, as it would secure the moral co-operation of Spain in the establishment of the new empire, and would have a tendency to place Spain in a somewhat antagonistic position to the United States. That Spain, in the end, would be cheated of her expectations I have no doubt; but still it is not altogether improbable that some inducements have been held out to her, which may have some present effect.

I have the honor to be, with the highest respect, sir, your obedient servant,
GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.



Mr. Seward to Mr. Koerner.

No. 76.]

DEPARTMENT OF STATE,

Washington, April 1, 1864.

SIR: I enclose a copy of a memorandum on the subject of what is called the Talambo question, between Spain and Peru. There is some reason to apprehend that the latter power may be disposed to press the matter. This would

be very much regretted by us, who have a high moral and material interest in the welfare of, and cordial good understanding between, those countries. Though we have scrupulously abstained from interfering in disputes between other nations, and have no disposition to deviate from that policy, you are authorized to do anything which you can informally, and with propriety, towards smoothing the way for a final adjustment of the affair referred to, to the mutual satisfaction of the parties.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 90.]

LEGATION OF THE UNITED STATES,

April 2, 1864.

SIR :

The resolutions of the House of Representatives at Washington, protesting against a monarchy in Mexico, under European auspices, has caused surprise in diplomatic circles and a good deal of sensation in the press. It is generally supposed that the attitude assumed by the House will produce complications with France, and may lead to a war. As far as Spain is concerned, there are in fact very few persons in favor of the new empire under Maximilian; some indeed, who would otherwise have been in favor of French policy in America, and who generally take their ideas from France, being disappointed in this instance because a Spanish prince was not selected.

I have the honor to be, with the highest respect, sir, your obedient servant,
GUSTAVUS KOERNER.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 79.]

DEPARTMENT OF STATE,

Washington, April 7, 1864.

SIR : Your despatch of March 20, No. 83, has been received.

I thank you for the perseverance you have exercised in tracing the affair of the Princess to its source, and I think it proper that you should informally make known to Sir John Crampton, her Britannic Majesty's ambassador at Madrid, the favorable impression which has been made upon this government by the directness and frankness with which he has made known to you the information which he possessed upon that subject. I shall take occasion to address myself in the same sense to her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 81.]

DEPARTMENT OF STATE,

Washington, April 7, 1864.

SIR : In your despatch of March 20, No. 82, you mention the probability that the Archduke Maximilian, on assuming the title of Emperor over Mexico,

will accredit a representative to the court of her Catholic Majesty, and you ask directions how to regulate your conduct towards the person who may be so accredited.

It is the policy of the United States to refrain from recognizing revolutionary governments. It has not recognized any revolutionary government in Mexico, while it has justly respected the belligerent rights of the parties engaged in war in that country. You will, of course, follow the policy which prevails here; and you will hold no official intercourse with any representative at Madrid of any revolutionary government that has been or shall be established against the authority of the government of the United States of Mexico, with which alone the United States are maintaining diplomatic relations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 82.]

DEPARTMENT OF STATE,

Washington, April 18, 1864.

SIR: Your despatch of the 27th of March, No. 85, has been received. Your proceedings therein related, in reference to the denial of Mr. Tassara's request in the matter of equipments, and also your views in the matter of Mr. Caznean's claim on the Spanish government, are approved.

I thank you for the interesting information you have given concerning existing domestic questions in Spain.

It is true that Mr. Preston has gone to Mexico, as a pretended legate of the insurgents, to the so-called regency of the empire. They are very enterprising in diplomacy, but their success there is not greatly to be feared, unless they should retrieve misfortunes sustained on the battle-field. Spain has heretofore had opportunity to understand the slaveholders of the United States. It is not less her own interest than it is ours that she shall not suffer herself to be misled by them. What resistance could Mexico, now or at any future time, offer, with even European aid, against the slaveholding power of the United States, if it could escape destruction and attain independence in the present civil war?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

No. 88.]

LEGATION OF THE UNITED STATES,

Madrid, April 18, 1864.

SIR: Despatch No. 75, enclosing communication from the Navy Department, was received last night. The instruction it contains as to expressing the thanks of the government of the United States to Spanish Admiral Don D. Pavia, through the appropriate channel, will receive my prompt attention.

The house of deputies of the Cortes have adopted the constitutional changes lately passed in the senate by a very large majority; by this proceeding hereditary peerage has been abolished, and the two houses are left free to prescribe their own rules, which, under the former enactment of 1857, were to be regulated by a law which required the action of both houses, and the assent of the crown. The effect of the recent changes is the re-establishment of the constitution of 1845.

Mr. Mon, the president of the ministry, has expressed himself in the Cortes a few days ago, in the same manner, and almost in the same language, as to the question of St. Domingo, as Mr. Pacheco did to me in the late conversation which I had the honor to report to you. The houses seemed to acquiesce in his views. The independent press, nevertheless, denounces the annexation and the attempt to enforce it at the terrible cost of blood and treasure.

The steamer Princess, detained at Malaga, and of which I have spoken in several of my despatches, has been confiscated by the Spanish government, as I have been informed, though the information is not official.

* * * * *

Very respectfully, your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Koerner to Mr. Seward.

No. 89.]

LEGATION OF THE UNITED STATES,

Madrid, April 24, 1864.

SIR: Despatch No. 76, with memorandum on "Talambo question," between Peru and Spain, and despatch No. 78, (no number 77 having been received,) arrived here day before yesterday.

In pursuance of the instructions contained in No. 76, I had an interview with Mr. Pacheco, in which I informed him of the great interest our government felt in seeing amicable relations sustained between Spain and the republican governments of America, and that for this reason the difficulty which had arisen between Spain and Peru had been viewed with regret on our part. That while it was not the intention of the government to interfere in the dispute, there was a desire to smooth down (*applanir*) disagreements, and to prevent interruption of friendship, and our good offices were offered cordially for such a purpose. It appeared to my government that the demands made by Admiral Pinzon on the Peruvian authorities for redress were somewhat too strong and calculated to wound the feelings of self-respect and national dignity of Peru.

Mr. Pacheco seemed to receive what I said very well. He remarked that his government was very far from wishing hostilities with Peru, or any other power. That nothing would be asked but a *bona fide* trial and punishment of the offenders; that his government could not permit people to be killed for no other reason than that they were Spaniards; that he did not know the terms in which Admiral Pinzon had claimed redress; they were, of course, his own, and had not been suggested to him by the government, which at the time knew nothing of the matter. As those terms were unknown to the government here, they had of course, not approved them, or expressed any opinion about them. That the admiral had no more to do with it. Mr. Salazar had been sent out with full instructions by the cabinet which had preceded him, (Mr. Pacheco,) and could hardly have arrived as yet at Callao. That as the conversation was confidential, he would tell me that the instructions given to Señor Salazar were not of a character to promote hostilities; that since he had come into office he had also given instructions, of which I might be assured that they were not of a nature to produce a conflict. He said he was obliged for the offer of our good services, and they would not be refused, though he did not think there was any subject for mediation existing.

This is about the substance of the conversation as it passed a few hours ago, and which was, as I had intimated to the minister at the beginning, altogether confidential and informal. It is said—but this I state on information merely

the minister not having made any remark to that effect, or even said anything to me from which it might be inferred—that the first instructions given to Señor Salazar by Mr. Anozola, the late minister president, were of a menacing or aggressive character, but that the moment Mr. Pacheco came into office he despatched a special messenger after Mr. Salazar with new instructions, considerably modifying the first in their tone and purport. This is not improbable. Mr. Pacheco is, I take it, a man of peace, much inclined to conciliate matters. This is his reputation, and I find it to be correct, as far as my limited experience goes. Besides, it is hardly probable that he should have given, within so short a time, new instructions to Señor Salazar, if he had been quite satisfied with the first. I will watch the proceedings in Peru now with attention, and not fail, should occasion require, to renew the efforts to prevent a rupture between the two nations.

I may be permitted to remark, that I would be greatly assisted in this undertaking if the department would, by additional instructions, specify and define the particular propositions which it might be proper to submit to the general government on this subject.

With very great respect, your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 86.]

DEPARTMENT OF STATE,

Washington, May 4, 1864.

SIR: I have received your despatch of April 10, No. 87, and I have read with much interest the account it gives of a conversation between yourself and Mr. Pacheco on the subject of the civil war in St. Domingo. It is, indeed, very hard for a state to reverse its steps and retreat from a position that has been deliberately taken in the face of opposition and resistance. There is nothing more sensitive than national honor. Nevertheless, I shall be surprised if it do not appear in the sequel that every attempt to restore European dominion in America ends in disappointment. That disappointment may be delayed until the successful close of our own troubles shall allow the prestige of the United States to be restored. A republic, like every other institution, has its perils to encounter, and its penalties to pay for yielding to jealousies, supineness, and faction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 87.]

DEPARTMENT OF STATE,

Washington, May 6, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of April 18, No. 88, and to thank you for the information it gives concerning the constitutional reforms which have been adopted in Spain.

Mr. Romaine, the minister of Hayti, has just returned from Port au Prince to the United States. He represents the struggle in which the Spaniards are engaged with the Dominicans as being a very difficult one, without good assur-

ance of results. His government thinks that its kind offices might be useful in effecting a settlement upon terms which, while saving the honor of Spain, would at the same time secure the independence of Dominica. But Mr. Romaine says that his government, conscious of its want of prestige, would desire to secure the sanction and co-operation of the United States, Great Britain and France. I have told him that our best wishes would go with the Haytian government in such an enterprise, although it is not now seen how, with our settled principles and habits, we could formally unite with European powers in any movement that would connect us as an ally or associate with any or all of the powers concerned. Mr. Romaine intimates a belief that the government of Spain has been chiefly moved in its attempt to re-establish its power in Dominica by an apprehension that the United States are only waiting an opportunity to seize for themselves the bay of Samana. It would be unfortunate for the Dominicans if this feeling on the part of Spain should prevent a restoration of their independence and freedom. I do not think the government of the United States has ever seriously designed to ravish the bay of Samana from the comparatively feeble people to whom it belonged, although I am aware that schemes for the purchase of that bay were heretofore entertained by some parties connected with this government, in the times when its policy was attempted to be directed towards the acquisition of Cuba, Mexico, and Central America, with a view to the establishment of a slaveholders' dominion on the shores and islands of the Gulf of Mexico. No one can speak for the indefinite political future of that region, as indeed there is a boundary beyond which statesmen cannot hope to control the future of their own country, much less the future of foreign states. It is manifestly not only wise, but even necessary, to leave to after-coming statesmen the consideration of questions which are distant and purely contingent. The existing agitations in Europe illustrate this truism. I can speak with some confidence, however, for this government at present, and so long as it shall be occupied with the interests and ideas with which the American people are now practically engaged, I can very confidently say that the United States are not seeking nor desiring any conquest here or abroad, and that, on the contrary, they seek and desire nothing more in regard to any part of America than that it may safely remain, under the care of its own people, in the enjoyment of republican institutions. The United States already have abundant territory, and all that they can improve. They believe that their position would be strengthened more by the establishment of free and independent governments on the continents and islands of America, than by an extension of their now already very large domain. But it is worthy of consideration that moderation is as justly expected by us from Spain, as by Spain from us. If she insist on holding Samana, while surrendering the rest of Dominica, simply for the purpose of preventing the United States from lawfully acquiring it at a future day, can she be surprised if the United States regard her as asking them to disclaim an ambition, the indulgence of which would be as lawful for them as for herself?

I give you these instructions confidentially, that you may use them informally, if you find reason to believe that by doing so you can favor the cause of freedom and humanity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 88.]

DEPARTMENT OF STATE,

Washington, May 7, 1864.

SIR: I give you for your information a copy of two despatches, which have just been received from Mr. Robinson, our minister in Peru, upon the subject of the disturbed relations existing between that country and Spain.

I have already authorized you to say to Mr. Pacheco that the President feels a deep interest in the preservation of peace between these countries. I have now to enjoin upon you as earnest an exertion of your good offices in that matter as shall be consistent with the sincere respect and courtesy which are entertained by this country towards Spain. It would not be any more useful than it would be becoming for the United States to assume a right to investigate the circumstances which are understood to threaten a collision. They will confine themselves to the expression of a hope, that both nations may both be willing to each confer in a spirit of conciliation, so long as no sacrifice of any important right or of honor may be exacted on either side. Mr. Pacheco need hardly be informed that the United States are enduring, not without profound sadness and sorrow, the calamities of civil war, and that their best efforts are directed to bring that unhappy conflict to a close as speedily as possible in the only form consistent with the integrity of the American republic. They deplore the war which is exhausting the neighboring state of Mexico, and they witness with pain the scenes of strife that are now exhibited in Dominica. While they do not falter in performing their duty as neutrals in the two foreign wars I have mentioned, they think it not improper to exert every effort they can to favor the return of peace, and to prevent the spread of war over regions of the American continent which are yet safe from its visitation. The President of the United States has on many recent occasions manifested his sincere desire to respect the position which Spain held at home, as well as the position she held in America, when our own unhappy civil war began; and to conduct our necessary correspondence with the Spanish government in such a manner that when that strife shall come to an end, it shall leave no sentiments of alienation or discord between the two countries. This desire is no less earnestly entertained now than it has been heretofore. It is hardly necessary, however, to say, that there is a sympathy which has long existed, and which constantly gains growth and strength, between the South American nations on this continent and the United States, and that it is hoped, on our part, that Spain will think it wise, as well as liberal, to regard with complacency and favor the progress and development of those States; partly, because that progress reflects honor upon Spain herself, by whom most of them were instituted as colonies, and in some measure because they are, and must continue ever hereafter to be, neighbors and friends, in whose welfare the United States are deeply interested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

[Extract.]

No. 90.]

DEPARTMENT OF STATE,

Washington, May 16, 1864.

SIR: Your despatch of April 24, No. 89, has been received. The diligence and good judgment which you have exhibited in executing my instruction to

use your good offices to secure a continuance of friendly relations between Spain and Peru are regarded by the President with special approbation.

The answer of Mr. Pacheco to your representations on that occasion is liberal and honorable, and encourages a hope that the accommodation desired may be effected without serious difficulty.

I notice your request for specific instructions concerning a basis upon which such an accommodation would be advised by this government. On the contrary, my No. 88 will have shown you that I still adhere to the opinion, that in a matter between two friendly governments, in which the United States have no direct interest, and therefore no other right to intrude except the good feelings they cherish for both the parties concerned, it is most suitable to refrain from taking cognizance of the exact controversy which is to be adjusted. The information you give me confirms this opinion, since it assures me that Spain wants only that her subjects in Peru, when accused, have a fair and just trial; and I understand that Peru has already conceded, or at least that she is willing to concede, this reasonable demand on the part of Spain, as it is defined by Mr. Pacheco.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 91.]

DEPARTMENT OF STATE,

Washington, May 17, 1864.

SIR: Herewith you will receive a transcript of a despatch to this department from Mr. Savage, vice-consul general of the United States at Havana, dated the 29th ultimo, relative to the arrival at Matanzas of three escaped convicts from the Tortugas, and their subsequent rendition to our authorities by order of the captain general of Cuba. You will lose no time in bringing this gratifying fact to the notice of her Catholic Majesty's government, and in expressing the satisfaction with which the friendly conduct of the captain general on the occasion referred to is regarded by the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 92.]

DEPARTMENT OF STATE,

Washington, May 17, 1864.

SIR: Your despatch of the 2d ultimo, No. 90, has been received, and that part of it which relates to the assumption of imperial authority in Mexico by the Archduke Maximilian has been read with much interest. For your information in regard to the course of the United States in connexion with this event I herewith enclose a copy of an instruction addressed by me to Mr. Dayton, our minister to Paris, on the 30th ultimo.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*

Mr. Seward to Mr. Koerner.

No. 93.]

DEPARTMENT OF STATE,

Washington, May 17, 1864.

SIR : I had only just closed my despatch of the 16th instant, No. 90, when information reached me of the very important events that have occurred in Peru, namely, the suspension of the diplomatic intercourse between the diplomatic agent of Spain at Lima, and the Peruvian government, the seizure of the Chincha islands and some Peruvian vessels by the Spanish squadron, and the preparations made by that government for resistance and defence.

The Peruvian government has now distinctly invoked the good offices of the United States. I have suggested to them the expediency of sending a special agent to Madrid, invested with ample powers to give all just satisfaction to Spain in case the public property of the republic should be restored, and the agent by whose direction it was seized shall be withdrawn or relieved. Such a proposition, if made by Peru, would seem to be a very reasonable one at this distance, and in the absence of any special knowledge of the views of the Spanish government. Nevertheless if Spain should be disposed to maintain peace and friendly relations with Peru, and should yet find insuperable objections to the course I have indicated, there would still remain the measure of a reference to some friendly power, which the President would very cheerfully recommend to Peru, as he would any other alternative that Spanish honor might justly claim, and Peru could accept with due self-respect.

At an early stage of this question I took measures to engage the attention of the government of France, and the last advices from Mr. Dayton inform us that that government has advised the Spanish government to adopt a conciliatory policy. I have now again instructed Mr. Dayton to renew his good offices there in view of the violent culmination of the controversy which has taken place at Lima. I give you a copy of that instruction, together with a copy of the documents which have been transmitted to me by our minister at Lima.

It remains only to commend the subject to your earnest attention, and to assure you that if you shall be able to contribute in any degree to the preservation of peace between two countries which the United States are accustomed to regard with special friendship, you will have crowned your mission with success that will be most gratifying to the President and to the friends of freedom and liberty in the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.**Mr. Seward to Mr. Koerner.*

[Confidential.]

No. 95.]

DEPARTMENT OF STATE,

Washington, May 19, 1864.

SIR : In relation to the difficulties which have arisen between Spain and Peru, there is one suggestion which, while it is my duty to make it, I desire to submit in a manner as entirely inoffensive as possible to the government of Spain, and to the other maritime powers of Europe. I have, therefore, reserved it for communication in this separate and confidential note.

If we can safely infer anything concerning the deliberate intentions of Spain from your despatches to this government, and by the declarations made by the Spanish special commissioner and the Spanish admiral when they seized the Chincha islands, it is that Spain does not desire or design to carry her proceed-

ings to the extreme of open war. Nevertheless, when reprisals are made, neither one nor both of the parties can be certain of their ability to confine the consequences within the limits previously fixed. Nor is it to be forgotten that Peru, in appealing to the United States and to other friendly nations, is at liberty to argue that Spain, by adopting the measure of reprisals, precipitately and unnecessarily, as Peru contends, manifests a purpose to overthrow the independence of that country, and subvert its government. This argument derives at least apparent support from the recital of the Spanish agents of the fact that Spain has not acknowledged Peru, and the assertion that upon some principle, not fully explained, Spain can rightfully recover her ancient property in the Chincha islands.

It will be your duty to make it known to her Catholic Majesty's government that the United States cannot yield their assent to the positions thus assumed in the name of Spain, or regard with indifference an attempt to reduce Peru by conquest and re-annex its territory to the kingdom of Spain.

This government, seriously pre-occupied with domestic affairs, has deemed it prudent and just, and has found it possible thus far, to hold itself, as well as the whole American people, absolutely neutral in two wars which are waged by European states in portions of America. I refer to the war of France against Mexico, and to the civil war to which Spain is a party in the island of St. Domingo. This government has been able to practice this neutrality and enforce its observance upon American citizens, because all the maritime powers of Europe, while they have constantly assured the United States of their purpose to maintain neutrality in our own unhappy civil war, have also disclaimed designs of political conquest in America. Several of the South American republican states, however, naturally sympathizing, as they must, with the republic of Mexico, and with the revolutionists of Spanish St. Domingo, allege, on the contrary, that several of the European states, which once had colonies here, are now seeking to reduce them again to the condition of dependencies. These apprehensions are not unlikely to be entertained by the whole people of the United States. The proceedings of Spain in Peru give them color which is deeply to be regretted. Indeed a general discontent with the forbearance of the government is already manifest. Should the sentiment of this country demand a reconsideration of the policy of neutrality which the government has hitherto maintained, it is very much to be feared that new complications might arise, which would not merely disturb the existing systems of commerce, but might endanger the general peace of nations. I need not enlarge upon the subject I have thus presented. It was fully discussed by me, when, in an early stage of our civil war, I endeavored to set forth the evils which it was foreseen here must result from any favor shown by the maritime powers to the existing insurrection in the United States. Subsequent events have not impaired the arguments which were then presented. The United States are no more prepared now than they were then to surrender either their own integrity or their proper position in the family of nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 96.]

DEPARTMENT OF STATE,

Washington, May 24, 1864.

SIR: I think it important to transmit for your information, translations of the official papers relating to the transaction which has recently occurred at Lima.

These papers will enable you to understand perfectly the views and purposes respectively of the Spanish agents and of the Peruvian government. It is hardly necessary to repeat here that the only object of this government is to secure a reconciliation, and avert war between Spain and Peru. We do not, therefore, think it now essential or expedient to express an opinion upon the merits of the controversy which divides them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 97.]

DEPARTMENT OF STATE,

Washington, May 25, 1864.

SIR: With reference to the instructions that have of late been addressed to you upon the subject of the controversy between Peru and Spain, which has resulted in the seizure of the Chincha islands by the latter, I enclose a translation of a note to this department of the 17th instant, from Mr. Barreda, the minister of Peru here, in which, as you will observe, he asks leave to purchase and arm vessels-of-war in the United States for the purpose of protecting the coasts and guano islands of that republic. This at least shows a disposition, on the part of Peru, not to acquiesce in the proceedings of Spain referred to, so long as those powers are at peace; and supposing that the ships desired were to be used for defensive purposes only, there might not be an infringement of the neutrality act of the 20th of April, 1810, in acceding to the request of Mr. Barreda, provided that the same liberality should be exercised towards Spain, and all other foreign powers, whose relations towards the United States are the same with those which Spain and Peru, respectively, maintain towards this government. If your discretion shall approve this suggestion, you may intimate to the Spanish minister for foreign affairs that such a request has been made, and make such use of the occasion as may lead to a diplomatic adjustment of the controversy before either party shall have recourse to arms. Of course, you will not be expected to execute this instruction if, when it shall reach you, war shall have been declared or have broken out between Spain and Peru, or if you shall find reasons to think its execution would embarrass rather than facilitate the restoration of amicable relations between the two powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

No. 97.]

LEGATION OF THE UNITED STATES,

Madrid, May 28, 1864.

SIR: A few days after sending my last despatch, No. 96, of May 15, news was received here by the government, and published in *The Journal*, which made it highly probable that hostilities between Spain and Peru were on the point of breaking out. I lost no time in addressing a note to Mr. Pacheco, in which I again offered, as I had done in my previous conversation with him, reported to you in my despatch 89, the services of our government to prevent a rupture, and to reconcile conflicting claims. I have the honor of enclosing you a copy of my note to the minister, dated May 20, 1864.

On yesterday I received Mr. Pacheco's reply, of which I send you a translated copy.

It will be perceived that the minister, on the strength of the events which have come to his knowledge since my interview with him, the refusal on the part of the Peruvian government to receive Mr. Salazar, the Spanish envoy, and to negotiate with him, now declines the interposition or mediation of the United States or any other friendly power. I do not exactly see the force of his reasoning. If it was consistent with Spanish honor for our government to use its endeavors to make Peru listen to reasonable demands on the part of Spain, it must be equally so if our government would try to make Peru treat with Mr. Salazar, or to give satisfactory explanations for not having done so. Our good offices, it strikes me, might have been exercised in the one case as well as in the other.

I do not intend, however, to press the matter any further for the present, for several reasons, one of which is that I consider our government still perfectly free to use its influence with Peru, in making that country do what may be considered right and proper.

I have the honor to be, most respectfully, your obedient servant,
GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Koerner to Mr. Pacheco.

LEGATION OF THE UNITED STATES,
Madrid, May 20, 1864.

SIR: Some time ago I had the honor of communicating to your excellency, in an informal and confidential manner, the apprehension felt by the government of the United States of possible difficulties of a serious character between the government of her Catholic Majesty and the republic of Peru, and the great desire entertained on the part of the United States to prevent hostilities from breaking out between two nations, towards both of which they have none but the most friendly and disinterested feeling.

I informed your excellency that the government of the United States would be happy if it could make itself instrumental in smoothing down these difficulties unhappily existing between the two powers.

Your excellency expressed yourself pleased with the remarks which I had offered, and intimated that if the circumstances should permit of an exercise of our good offices in this complication they would not be refused. Inasmuch, however, as you were at the time without information as regarded the success of the mission of Señor Salazar, her Majesty's special envoy to Peru, and the steps which had been taken by Admiral Pinzon, you were not, at the period of our interview, in a position to express yourself definitively on the proposition which I had been instructed to mention to you informally. I have received no additional despatches on the subject from my government since that interview; but having learned from the public journals that the arrival of Señor Salazar at Peru, and his proceedings, whatever they were, have failed to lead to negotiations promising a peaceful settlement of the existing controversies, and that, on the contrary, hostilities are imminent, if they have not already broken out, I deem it consonant with my former instructions to again repeat, in a confidential manner, the offer of the government which I represent to use its best exertions for a satisfactory settlement of the questions in dispute.

The government of the United States will cheerfully, I believe, support any demand on the part of her Catholic Majesty's government founded on the

principles of justice, equity, and international law, and will use its best efforts to persuade and induce the Peruvian government to comply with all such demands.

I have no doubt the influence of the United States would be very great with the Peruvian government, and that its exercise might be beneficial to both countries which are now at disagreement.

I embrace this opportunity of repeating to your excellency the assurance of my highest consideration, &c., &c.

GUSTAVUS KOERNER.

His Excellency the MINISTER OF STATE
Of her Catholic Majesty.

Mr. Pacheco to Mr. Koerner.

[Translation.]

FIRST DEPARTMENT OF STATE,
Aranjuez, May 25, 1864.

SIR: I have had the honor to receive the confidential note which you were pleased to address me on the 20th instant, in which, referring to a private interview which you had with me, you have been pleased to renew the indications which you then addressed to me in the name of your government in respect to the good dispositions which animate the cabinet of Washington to contribute, by their mediation, to the arrangement of the difficulties pending with the republic of Peru, lending their support with pleasure to any reclamation of Spain founded on principles of justice and equity, and endeavoring to persuade the government of Peru to satisfy all such as may have this character.

The report you make of what occurred in the interview referred to is exact, and on that occasion, having in view the circumstances of the affair—the subject of our conversation—and considering also the state of it at that time, I could not do less than reply to the friendly and loyal offer which you made me in the name of your government, stating in that confidential way in which we were proceeding that the government of her Majesty was disposed to accept, if not the mediation, at least the good offices of the government of Washington, so as to arrive at an end which corresponded completely to the views of the government of her Majesty, always desirous to avoid conflicts with the Spanish American States.

The same disposition which I then made known to you would continue to exist to-day if the conditions and the situation of the affair were the same, and I should have taken pleasure in fixing in writing the statements which on that occasion I had the honor to address to you; but, unfortunately, it has not thus happened, and the government of her Majesty deeply laments it. Things have advanced, and the affair has taken a different aspect from what it then had.

Before the question of the reclamations against the Peruvian government, there has arisen another, which must be considered as independent and preliminary; so much the more grave, inasmuch as it affects more the decorum and dignity of Spain. I refer to the non-reception of the envoy Señor Salazar y Mozarredo, with whom the government of Peru has refused to treat.

It cannot be hidden from your good judgment that by this act, whose nature you will know how to appreciate, a state of things has been created whose solution is no longer susceptible of being moulded to the same conditions which appeared, and which we both considered attainable at our said interview. The question is not now upon principles of justice ignored, nor of material interests wounded, but upon an act which, as it may be interpreted to signify a purpose not to lend an ear to reason, involves an offence to Spain such as makes it in-

cumbent upon the government which rules her destinies alone to demand satisfaction. If, in order to obtain this, the mediation of another friendly government should be accepted, that of her Majesty would furnish a motive for attributing to impotence what in any case would be only a desire to avoid extreme measures, and persuaded on my part that you will recognize the force of this observation, I do not doubt you will know how to explain to your government the special causes which place that of her Majesty in the situation of not being able to accept the mediation nor the good offices of any friendly power in the question pending between Spain and Peru.

The government of the Queen feels grateful beyond measure for the good desires of the cabinet of Washington, and certainly it would have been most pleasing if those circumstances had not intervened which now impede their contributing with their prudence and recognized wisdom to the termination of the affair which is the subject of this writing.

I avail myself of this opportunity to renew to you the assurance of my most distinguished consideration.

J. F. PACHECO.

The MINISTER PLENIPOTENTIARY of the United States.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 96.]

LEGATION OF THE UNITED STATES,
Madrid, May 15, 1864.

SIR: * * * * *

I have been surprised to learn, by copy of your despatch 69, of February 25, *a. c.*, that Mr. Tassara had received no instructions to sign the convention by which the King of the Belgians was appointed to arbitrate the question of maritime jurisdiction in the waters of Cuba between the United States and Spain.

It was on the 17th of November last that the Marquis of Miraflores informed me that the draught of the convention had been examined, and that he had, after having suggested some very slight modification, calculated to make the nature of the question still plainer, instructed Mr. Tassara to sign the convention. The Marquis remained in office until the middle of January following, and he never gave me the least intimation as to any change in his views on the subject.

I shall take the first opportunity to ascertain whether the omission to send instructions was merely accidental, or owing to a change of policy.

I am, sir, your obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 99.]

DEPARTMENT OF STATE,
Washington, May 30, 1864.

SIR: I have received your despatch of May 7, No. 94, and I appreciate very highly the account you have given me of domestic affairs in Spain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Koerner to Mr. Seward.

[Extract.]

No. 98.]

LEGATION OF THE UNITED STATES,
Madrid, May 30, 1864.

SIR: I had hardly finished my No. 97, giving an account of my action respecting the Peruvian troubles, when I received your despatches 86, 87, 88, and 89. Your No. 88, marked confidential, referring to the same subject, enjoins upon me "as earnest an exertion of my good offices in that matter as shall be consistent with the sincere respect and courtesies which are entertained by this country towards Spain."

On the same evening the journals contained telegraphic despatches dated Panama, May 10, transmitted by the Spanish consul at Southampton to the government here, to the effect that the Spanish squadron had occupied fourteen islands of the Chincha archipelago, taking prisoners the governor and officers; that the squadron had then gone to Callao to surprise the Peruvian squadron, which, however, had escaped and taken shelter under the forts; that great agitation prevailed in Peru; a loan had been authorized; that land and sea forces were to be raised, &c., &c.; that the English, American, and Bolivian ministers had held a meeting at Lima, had declared themselves in favor of Peru, and had determined to petition their respective governments for an immediate intervention to regulate the difficulties.

Your despatch and this telegraphic news made me change the determination which I had formed after I had received Mr. Pacheco's note, and which was, as I informed you in my last despatch, to take no further action in this matter, at least for the present.

I am, sir, your obedient servant

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 102.]

DEPARTMENT OF STATE,
Washington, June 3, 1864.

SIR: Your interesting despatch of May 15, No. 96, has been received, and your proceedings therein mentioned are approved.

This government has no interest or other motive for urging upon the government of her Catholic Majesty any diligence in regard to the treaty for the settlement of the limits of the maritime jurisdiction of Spain in the waters of Cuba.

We are sincerely hoping for a peaceful solution of the controversy which has arisen between Spain and Peru.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 99.]

LEGATION OF THE UNITED STATES,
Madrid, May 30, 1864.

SIR: In reply to your despatch No. 87, of the 6th of May, 1864, which refers to the proposition of the government of Hayti to offer its mediation in

the conflict between Spain and the people of Santo Domingo, and the suggestion of the Haytian government, for the United States, England, and France to support this proffered mediation, I beg leave to submit some remarks.

It is generally supposed here, in official and unofficial circles, that Hayti, if not at the bottom of the insurrection of the Dominicans, is, at least, aiding it. It is true that Mr. Madion, the minister resident of Hayti at this court, is protesting against this assumption, and does his best to remove this impression, but with little success.

I have not the slightest idea that Spain will accept any sort of mediation on the part of Hayti, nor indeed on the part of any other power, France, perhaps, excepted. * * * *

I do not think that the present struggle to subdue the insurrection in Santo Domingo owes its existence and continuance to any fear or jealousy of the United States. Most statesmen of Europe have long since formed the opinion that for years to come we will lack the power of aggression, even if the Union were reconstructed, which, as a general thing, they all disbelieve. * * * *

Your obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., Washington.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 101.]

LEGATION OF THE UNITED STATES,
Madrid, June 3, 1864.

SIR: * * * *

I found, however, Mr. More, the prime minister. I asked him whether the government had heard from Mr. Salazar about his late proceedings. He said no; they expected to get news from him in about four or five days, and that before that time he could not answer my questions positively, whether the government would approve of his course or not. He said that I might assure my government, however, that Spain had not the slightest intention to reacquire any of its ancient colonies, or to encroach upon the independence of Peru. "Suppose," I asked him, "that the documents published in the Peruvian papers, and republished here to-day in the journals, are the only ones existing, and are correctly given; and suppose that the acts of Salazar and Pinzon were as reported, and Peru has done nothing to aggravate affairs since Salazar left Lima, and before he commenced those hostile acts; is the government prepared to approve of his proceeding?" He said he could only repeat what he had already said, and that it was difficult to give any positive answer before hearing from their own officers.

I send you a slip from the Official Gazette, containing Mr. Pacheco's remarks in the Cortes. He is guarded; but, nevertheless, it is easy to read between the lines the disapproval of the course of Salazar and Pinzon.

Public opinion here and the entire press of all parties seem to be opposed to the action of Salazar from the beginning. I think I am not alone here among the foreign diplomatists who take an interest in this Peruvian question. The English minister told me he would undoubtedly be instructed to interfere. He views the course of the Spanish agents in Peru in the same light as I do. France will strongly advise peace, I have no doubt, and I believe will offer her mediation, distinctly and pointedly. The English and part of the French press are denouncing Salazar. Perhaps this very outrage on the part of the latter is the

most favorable thing which could have happened to Peru; she will have many friends now, and will not have to rely on our good offices alone.

Mr. Moreira, consul of Peru at Madrid, lately arrived here, has called upon me twice; he has received despatches since the late occurrence from his government, and all the documents and newspapers which treat of the affair; he has been instructed to apply to me for advice and assistance; he is desired to treat with the government here in the absence of a diplomatic representative, and he begged me to propose to the minister on his behalf to be permitted to treat *ad referendum*. As this is a somewhat delicate matter, under all and more particularly under present circumstances, I told him I would, in the course of conversation, suggest that idea, but would not bring it forward as a proposition, or insist upon it.

In relation to our interposition, and probably also in reference to my conversations with the minister president and the sub-secretary of state, the *Epoca*, considered the organ of the present government, has an article to-day, which reads as follows:

"The ministers of the crown maintain the most absolute and proper reserve in regard to their determinations in the Peruvian question. It is said, however, in political circles that two of our war frigates have received orders to get ready, and that a lieutenant general (rear-admiral) of our fleet thus increased will take the command.

"Peru, it seems, has desired the mediation of the United States in its controversy with Spain, but the last events will naturally prevent the Spanish government from accepting any mediation of a foreign power, as we believe the question will be solved sooner and more favorably by its being treated in a direct manner between Peru and Spain."

The increase of the fleet may have for a principal object the removal of the present commander, Pinzon. There are other articles in the *Epoca* of to-day which are quite unwelcome, and almost distinctly indicate the disapproval of the acts of Salazar and Pinzon.

I have the honor to remain, sir, your obedient servant,

GUSTAVUS KOERNER.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 102.]

LEGATION OF THE UNITED STATES,

Madrid, June 14, 1864.

SIR: Whilst the ministers here were waiting to hear from Mr. Salazar before taking a decided course in the Peruvian difficulties—it being, however, well understood that, unless an entirely different face should be put on the matter by his despatches, his acts and those of the admiral would be disapproved and disavowed—telegraphic despatches have arrived from Southampton last night of a character which may change the aspects of things considerably.

Mr. Salazar has reached Southampton, and has telegraphed an account of his adventures in leaving Peru and passing through Panama, calculated to create considerable excitement here. I enclose you an article in last night's *Epoca*, containing the substance of what he telegraphed. That this account was exaggerated and highly colored, I had not the least doubt the moment I read it.

I called upon Mr. Pacheco early this morning. In spite of several efforts I had not been able to see him since his return from Aranjuez, which took place on the 10th instant, and since I had received your despatch No. 95, of 19th May last, marked confidential.

He developed these ideas in various ways, leaving, however, the impression upon my mind very firmly that the ministry would use every exertion to avoid hostilities. On day after to-morrow is the regular day for the diplomatic corps to hold interviews with the minister. By that time Mr. Pacheco may be able to indicate to me the course which the ministry propose to take, in view of the new phase of the question.

* * * *

The surrender of Arguelles has given umbrage to the enemies of General Dulce here. They pretend that General Dulce himself is at the bottom of all those speculations in negroes, and that Arguelles would have made a clean breast of it, and exposed the duplicity of that person.

Dulce's antecedents in the revolution of 1854 are certainly of a character that would lend color to almost any charges of deceitfulness and treachery. But, at the same time, I know too well the disposition of the politicians of this country to pursue one another with unscrupulous and unrelenting fury, as not to be very cautious in believing such accusations as are now launched against General Dulce by his enemies, of which he has a good many.

I am, &c.,

GUSTAVUS KOERNER.

[Translation.]

VERY IMPORTANT.

From our special correspondent we receive to-day from England telegraphic despatches, the gravity of which will be understood by the simple relation made to us, and upon which we abstain from any commentary until there be official confirmation of them.

Mr. Salazar y Mazarredo landed yesterday at Southampton. With reference to the passengers who came with him, and with reference to himself, it is said, the agitation was extraordinary in Peru and other neighboring republics; in Chili preparations were making for war, to hasten to the aid of the neighbor republic.

The diplomatic corps had intervened and proposed a solution, in virtue of which Messrs. Pinzon and Salazar had offered to evacuate the Chincha islands; but although the Peruvian government was favorable, the pressure of the people prevented acceptance, and all negotiation was refused whilst Peruvian territory was occupied by foreign forces.

The authorities wished to detain the English packet Talca, which had received Mr. Salazar y Mazarredo on board, who, in view of the dangers hovering around him, had arranged to go to Spain. The commander of the packet defended Mr. Salazar energetically, declaring that if the least violence was done to him, the English forces would take possession of the Peruvian squadron anchored at Callao.

Among the passengers on the Talca were, it is said, emissaries charged to assassinate Mr. Salazar. He, however, got safe and sound to Panama, where the populace made a disturbance and broke the windows, and trampled on the flag of the French consul, in whose house Mr. Salazar had sought refuge. On the 21st May he left Panama, incurring great risks, and owing his safety to the English. Mr. Salazar, who landed yesterday at Southampton, and is somewhat out of health, was to-day to have continued his voyage to Spain. He will not reach Madrid till Thursday or Friday.

At the latest moment we receive the following despatch from the Havas agency: "Paris, 13th. (at 10 o'clock;) Southampton, 13th.—Mazarredo has reached here in the mail steamer Sena."

Peru.—The foreign ministers in Peru have sought to arrange the difference. Peru refused to treat while Spanish troops occupied its territory. The Peruvian authorities sought to detain the mail steamer *Talca*, on its way to Panama to catch Mazarredo. The captain of the English war steamer *Leander* hindered this project, notifying the Peruvian admiral that, in case of such an outrage, he would capture all the Peruvian vessels in the harbor.

Among the passengers in the *Talca* were four Peruvian emissaries, who paid several negroes to assassinate Mr. Salazar y Mazarredo. On reaching Panama, in consequence of the threatening of those negroes, Mazarredo sought refuge in the house of Mr. Nelson; this saved his life, but the consulate general of France was attacked, the windows broken, and the flag trampled on; many other injuries being done in the belief that Mazarredo was within. He left Panama on the 21st, early in the day, followed by a band of assassins to Aspinwall, where his life was safe, thanks to the courage and generosity of the officers of the English Mail Steam Company.

Mr. Seward to Mr. Koerner.

No. 106.]

DEPARTMENT OF STATE,

Washington, June 17, 1864.

SIR: I have the honor to acknowledge the receipt of your two despatches, namely, of May 27, No. 97, and of May 30, No. 98.

The first of these informs me that, in pursuance of instructions, you tendered the good offices of this government to contribute to an accommodation of the differences which have arisen between Spain and Peru, and also gives me Mr. Pacheco's reply that the offer, which, under other circumstances, would have been acceptable, was now declined, because a new incident had just occurred which gave such a special character to the affair as necessarily forbade the acceptance of counsel from any foreign state.

Your latest despatch informs me that on the arrival at Madrid of subsequent instructions from me, and also of news of transactions in Peru, which were unknown at the Spanish capital at the time when our offer was declined, you were making inquiries of Mr. Pacheco, then at Aranjuez, through the under-secretary of state for foreign affairs, to ascertain whether the good offices of this government might not yet be accepted under what you supposed the altered circumstances of the case. I have submitted the papers to the President, and I have the pleasure to inform you that your proceedings are entirely approved.

It is now known here, as it is probably understood also at Madrid, that the late commissioner has resigned his trust and gone home; that before resigning, he, together with the Spanish admiral, disowned all designs against the integrity or independence of Peru, and placed the act of seizing the Chincha islands exclusively upon the ground of reprisals for claims, while they expressly allowed the commerce in guano to proceed under conduct of the Peruvian authorities without obstruction.

It is also understood here, through a reliable channel, that at a date later than the date of your last advices a belief prevailed at Madrid that the extreme proceedings of the aforementioned commissioner in Peru, when definitely made known at Madrid, would fail to be completely approved by her Catholic Majesty's government.

Under these circumstances I cannot suppress a hope that the difficulty in question may have already received, or may be now in the way of receiving, a peaceful solution upon principles of equity and justice, and at the same time consistent with the honor of the two nations.

It is not perceived that any new instructions could profitably be given to you concerning the matter. You will govern yourself by the principles already defined, and saving in every case equally the dignity of the United States and respecting the just sensibilities of Spain and Peru, you will do whatever shall seem best calculated to avert war, and restore a good understanding between the two countries. To enable you to proceed with greater circumspection and care, I give you copies of Mr. Robinson's despatches to me, and of a correspondence of mine with the Peruvian and Spanish ministers concerning the effect of the proceedings at the Chincha islands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 104.]

LEGATION OF THE UNITED STATES,
Madrid, June 21, 1864.

SIR:

Mr. Salazar, owing to sickness, has only arrived here day before yesterday, and on yesterday evening I applied for an interview with Mr. Pacheco, which took place this morning.

The minister told me that he had had but one conference with Mr. Salazar; that the latter was preparing a report, to be laid to-day before the council of ministers; that he could, therefore, only speak for himself, but he did not think that his opinion would be much modified by the council. Mr. Salazar having convinced him that an attempt had been made on his life while on his journey, in which, however, he, Mr. Pacheco, did not think the government of Peru implicated, he would be satisfied by a disavowal on the part of that government, and would take its word for it. All his demands upon Peru would be of a nature that could not wound the feelings of that power, and would be made in a spirit anxious to secure peace. He thought he would call on Peru to send a commissioner to explain matters, but he could tell me better in a day or two, when he would put me "*au courant*" of what the Spanish government intended to do.

I told him that was all that I desired. The moment that Spain would clearly (*nettement*) and precisely state what was really demanded of Peru, there was great hope of bringing about a favorable settlement at once. It would be preferable to so reduce to precise terms the claims of Spain, commencing with the Talambo question, at the earliest possible period, before new complications might arise, as I had no doubt, from what he had assured me, that the demands of Spain would be consistent with justice; it would probably take but a very short time for the United States to convince Peru of the propriety of yielding to such demands. That I could undertake to say, from what I had learned from despatches written by the Peruvian government to its consul here, and from what must be apparent from the very nature of things, that no other power in Europe or America was so likely to exercise a strong influence on the government of Peru as my government; and that, perhaps, a simple good advice on its part to Peru could settle the whole difficulty without any trouble and without any formal mediation. He replied, that he was fully aware of that, and that the government of the United States, being a very powerful one, and legitimately the leading one in all America, could certainly bring great influence to bear on this matter. He was very thankful for the interest taken by my government in trying to arrange the difficulties with Peru, and would feel very much obliged

if we would, in a confidential manner, not by way of official mediation, continue to exercise our good offices.

I give you barely a rough sketch of the conversation, as time again presses, the mail closing in about an hour, and our interview having ended but a half hour ago.

Very respectfully, your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 105.]

LEGATION OF THE UNITED STATES,

Madrid, June 22, 1864.

SIR: On yesterday I sent you a despatch (No. 104) giving an account of my interview with Mr. Pacheco concerning Peruvian affairs. In the evening Mr. P. was called upon in the senate for explanations, and I now enclose you his speech, from the Official Gazette, hoping that it will reach you the same time as my despatch of yesterday, since I send it direct, and not through our despatch agent at London.

The speech has several weak points. It shows clearly that the original cause of all this trouble, the Talambo affair, was really a very insufficient one for any sort of reclamation. The case was pending in the courts, and if it did proceed slowly, it was certainly according to Spanish custom. If Mr. Salcedo, upon whose plantation the row happened, has, by his influence, obstructed the course of justice, (which it may be hard to prove,) he has done no more than what is alleged to take place here almost every day.

I am, sir, &c.,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 108.]

DEPARTMENT OF STATE,

Washington, June 24, 1864.

SIR: I enclose for your information a transcript of a communication which I have this day addressed to the honorable Jas. F. Wilson, chairman of the Committee on the Judiciary of the House of Representatives, on the subject of the extradition of Colonel Arguelles.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., *Madrid.*

DEPARTMENT OF STATE,

Washington, June 24, 1864.

SIR: I have the honor now to give you the information which is found in this department, and the view which is taken of the matter referred to in your note of the 20th June instant.

The resolution which was introduced by the honorable Mr. Cox, of Ohio, and

which is referred to in your note, impugns the action of the President of the United States in the recent extradition of a Spanish subject, as a violation of the Constitution of the United States and of the law of nations, and as a proceeding in derogation of that right of asylum which the resolution describes as a "distinguishing feature of our political system." That this action of the Chief Magistrate of the nation was taken "in the absence of a law or treaty on that subject," is assigned as the ground or occasion of its being open to these animadversions.

The gravity of the subject requires a full and careful examination of the proceeding of the Executive complained of, in its circumstances, its occasion, its motives, and its results, and a thorough inquiry into the precepts of the law of nations and the provisions of the Constitution which that proceeding is alleged to have violated. On the one hand, it never can be a matter of trivial concern to the nation that the conduct of the Chief Magistrate should really be at variance with the law of nations, which must furnish the rule for so large and important a part of the duties of his high office, or with the Constitution, to which he owes that office, and of which he is not only the servant, but also an appointed protector and defender. On the other hand, hasty or careless imputations of such grave misconduct, if not corrected, tend to impair confidence in the government at home and respect for it abroad.

The case presented to the notice of the government of the United States, and upon which the intervention of the Executive was asked by the government of Spain, is set forth in the correspondence communicated to the Senate by the President, in answer to a resolution of that body.

In this correspondence it appears that on the 20th of November, 1863, the United States consul general at Havana apprised this government that more than one thousand African negroes had just then been brought to that city; that they had been landed at Cardenas, or Sagua, from a steamship whose name and nationality were unknown, and that very prominent and wealthy persons were implicated in the business, and that the steamer was not captured, but went to Nassau after delivering her cargo.

On the 28th of March the Secretary of State communicated this information to the Secretary of the Navy, and also to the British government. Thereupon this government and the British government, proceeding under the provisions of the treaty for the suppression of the African slave trade, united in an urgent appeal to the government of Spain to execute the laws of that country so effectually as to suppress the introduction of African slaves into the island of Cuba. The government of Spain responded to this united appeal in a kind and liberal spirit, and especially approved of the energetic action of the governor general of Cuba in executing the laws.

On the 5th of April, 1864, the minister plenipotentiary of Spain addressed a note to the Secretary of State, informing him that José Agustín Arguelles had escaped from the island of Cuba, under the charge of having sold into slavery a large number of recaptured Africans, and taken refuge in New York. The minister stated the circumstances of the case as follows, namely: That Arguelles, then an officer in the Spanish army, was, in November last, lieutenant governor of the district of Colon, and while serving in that capacity effected the seizure of a large expedition of African negroes, (being the same thousand negroes before mentioned;) that the government of Spain, pleased with his zeal, paid him a large sum, as his share of the prize-money usually allowed to the captors of such expeditions; that he subsequently obtained a leave of absence for twenty days, to proceed to New York, on false pretences, and that after his departure it was discovered that he and other officers of the district of Colon retained and sold into slavery one hundred and forty-one of the negroes which they had recaptured; that the superior court of the island, having exclusive jurisdiction over such cases, had taken cognizance of the case, and then

required the presence of Arguelles before it, to insure the prompt liberation of the one hundred and forty-one slaves, and that, without such presentation, it would be very difficult, and, at all events, it would require a long time, to attain that object.

Her Catholic Majesty's minister asked that Arguelles might be delivered up to the government of Spain, not upon the ground of a right to demand it, but as an act of comity in the interest of justice and humanity. The culprit, being found at large in the city of New York, was delivered to the Spanish authorities by direction of the President of the United States. Immediately after the arrival of Arguelles at Havana, he was placed in custody for trial, according to the laws of his own country, and eighty-six of the recaptured Africans, whom he had sold into slavery, were restored from bondage to freedom.

It will be readily admitted that no application to our government for the discharge of a duty, or the exercise of a right which rested with it under the law of nations, could present more solemn and imposing considerations to engage its attention to an earnest and solicitous inquiry into its obligations and its powers in the premises, that it might faithfully perform the one and exercise the other. That our territory—the refuge of the innocent and oppressed—should not furnish an asylum for the guilty betrayer of human freedom; that our cherished policy for the suppression of the slave trade, to which every department of the government—legislative, judicial, and executive—had been so long and so firmly committed, should meet no check in its purpose, by its law and by its power, to drive from every sea the odious and abominable traffic; that the victims of this atrocious crime should not be left in the misery which our protection of this outlaw from the pursuing justice of his own country must fasten on them—such were the interests of society and of humanity which pressed upon the conscience of the nation, and called for the exercise of every faculty of justice and authority which the law of nations and the Constitution had vested in the Executive.

The act required by the exigency of the case was the surrender of the fugitive criminal to the public authority of the country from whose justice he had fled. The practical question for the decision of the President was, whether, in his official capacity, he possessed the authority to make this surrender. That this was the only question cannot be doubted, for no one will gainsay that to possess the requisite authority and to refuse to execute it in the case presented, when the will is free, imports moral complicity in the guilt of the criminal, and cold indifference to the continuing misery of his victims.

To determine this question of the authority and duty of the Executive involves the examination of the following considerations:

1. Whether by the law of nations the government of the United States in its relations to foreign nations is under the obligation, or possesses the authority, to surrender to the pursuing justice of a foreign state a fugitive criminal found within our territory.
2. Whether, in the absence of express treaty stipulations on our part for the surrender of such fugitive criminals, and of any legislation by Congress on the subject, the President of the United States is charged with the obligation, or vested with the authority, to make the surrender, provided such obligation rests upon, or such authority is vested in, the government.
3. Whether the occasion presented in the actual case called for the performance of this obligation by the President, if he were charged with it, or for the exercise of this authority, if he possessed it.

It will be convenient, if not essential, to consider these propositions in the order in which they are stated, and to observe a just discrimination between them as separate in their nature, and in the topics and authorities which bear upon them. By this method, too, the threefold censure of the resolution before the Committee on the Judiciary will be met, and either justified or refuted.

The points of discussion upon which the first proposition turns are few and

simple. Whatever obligations, duties, powers, and relations the law of nations prescribes or attributes to any one nation as towards the other nations of the world, it prescribes and attributes to all nations equally and alike. The internal structure or distribution of the powers and duties of government, that belong to the various forms or constitutions of government which nations adopt for themselves at will, do not in the least affect the measure or the application of the precepts of the law of nations which adjust and govern international rights and obligations. No nation has been more careful to insist upon this equality of nations, whenever we had occasion to claim an international right, or, we may fairly assume, more solicitous to respect it, when a foreign state has asserted an international obligation on the part of our government. But it follows necessarily, from this primary proposition, that the domestic constitutions of government are not in the least degree the source of the *international* rights or obligations which nations may justly claim, or must justly submit to. These observations bring us to the same conclusion, that the United States has precisely the same obligations to perform, and possesses the same authority to exercise, towards foreign states, in the extradition of criminals, as all other nations, and that the measure and force of those obligations and of that authority are to be found exclusively in the law of nations, and not in the Constitution or in municipal legislation. It may be superfluous to sustain so obvious a truth by illustration, but our present attitude on this point towards Great Britain, France, Spain, the Netherlands, and all other maritime powers of Europe, has been so distinct, and has been so widely understood, and so fully approved by the country, that it is well to understand that it rests upon no other principles than those just laid down. We surrendered Mason and Slidell to Great Britain, we demanded the restoration of the Chesapeake, and we protest against the outfit of the Alabama, the Alexandra, and other British and French naval expeditions, and we demand indemnity for the damages which they inflict, upon these principles, and no other.

We have said to all the maritime powers that the *law of nations*, and not their municipal legislation or domestic jurisprudence, furnished the measure of our rights and of their obligations in the matter of naval equipments from their ports to disturb the peace of the seas and prey upon our commerce, and that the resentments and remedies of the *law of nations* were justly open to us if our rights and their obligations were not observed.

When we come to look at the authorities, whether institutional or judicial, which lay down the doctrine of the law of nations on the subject of the surrender of fugitive criminals, we shall find the only controverted point to be, whether such extradition is an *absolute obligation* without treaty stipulations concerning it, or is, in the absence of such stipulations, dependent for its exercise upon the circumstances of each case as they shall or shall not seem to the nation, to which the request is made, to furnish a just occasion for its exercise on the principles of justice, humanity, and international comity.

It would be out of place to explore and compare, in an extended survey, the text writers or the judicial decisions upon this point; yet it is important that the entire concurrence of *all* the authorities that the surrender of criminals is a just and proper exercise of national right, wherever the motives of the particular case are adequate, should be understood; and that it should be also understood that the *absolute obligation* to make such surrender is asserted by a weight of authority equal to that which imposes a qualifying limitation upon it.

Wheaton, in his *Elements of International Law*, says:

"The public jurists are divided upon the question, how far a sovereign state is obliged to deliver up persons, whether its own subjects or foreigners, charged with or convicted of crimes committed in another country, upon the demand of a foreign state, or of its officers of justice. Some of these writers maintain the doctrine that according to the law and usage of nations every sovereign state is obliged to refuse an asylum to individuals accused of crimes affecting the general peace and security of society, and whose extradition is demanded

by the government of that country within whose jurisdiction the crime has been committed. Such is the opinion of Grotius, Heineccius, Burlamaqui, Vattel, Rutherford, Schmelzing, and Kent. According to Puffendorf, Voet, Martens, Kluber, Leyser, Kluet, Saalfeld, Schmaltz, Mittermeyer, and Helfer, on the other hand, the extradition of fugitives from justice is a matter of imperfect obligation only, and though it may be habitually practiced by certain states, as the result of mutual comity and convenience, requires to be confirmed and regulated by special compact, in order to give it the force of an international law."—*Wheaton's International Law*, 1863, p. 232.

Halleck's International Law upon the same point says :

"The extradition of persons charged with or convicted of criminal offences affecting the general peace and happiness of society is voluntarily practiced by most states, where there are no special compacts, as a matter of general convenience and comity. Some distinguished jurists have treated this question as a matter of strict right, and as constituting a part of the law and usage of nations. Others, equally distinguished, explicitly deny it as a matter of right. The weight of authority is in favor of regarding it as a matter of comity rather than of strict right, under the rules of international law, as universally received and established among civilized nations. If it be regarded as a right at all, it is one of those imperfect rights which cannot be enforced, as the obligation on the other party is also imperfect and not universally, even if generally, admitted."—*Halleck's International Law*, p. 174.

Judge Story, in his *Conflict of Laws*, and in his *Commentaries on the Constitution*, observes upon the same point as follows :

"It has been often made a question, how far any nation is by the law of nations bound to surrender, upon demand, fugitives from justice, who, having committed crimes in another country, have fled thither for shelter. Mr. Chancellor Kent considers it clear upon principle, as well as authority, that every state is bound to deny an asylum to criminals, and, upon application and due examination of the case, to surrender the fugitive to the foreign state where the crime has been committed. Other distinguished judges and jurists have entertained a different opinion."—*Story on the Constitution*, S. 1808.

"There is another point which has been a good deal discussed of late, and that is, whether a nation is bound to surrender up fugitives from justice who escape into its territories and seek there an asylum from punishment. The practice has beyond question prevailed, as a matter of comity, and sometimes of treaty between some neighboring states, and sometimes also between distant states, having much intercourse with each other. Paul Voet remarks, that under the Roman Empire this right of having a criminal remitted for trial to the proper *forum criminis*, was unquestionable.

"It has, however, been treated by other distinguished jurists as a strict right, and as constituting a part of the law and usage of nations, that offenders charged with a high crime, who have fled from the country in which the crime has been committed, should be delivered up and sent back for trial by the sovereign of the country where they are found. Vattel manifestly contemplated the subject in this latter view, contending that it is the duty of the government, where the criminal is, to deliver him up or to punish him; and if he refuses so to do, then it becomes responsible, as in some measure an accomplice in the crime. This opinion is also maintained with great vigor by Grotius, by Heineccius, by Burlamaqui, and by Rutherford. There is no inconsiderable weight of common-law authority on the same side, and Mr. Chancellor Kent has adopted the doctrine in a case which called directly for its decision."—*Story's Conflict of Laws*, pp. 517, 520, 521, sec. 626, &c.

Chancellor Kent, in a judicial decision, where the very point was in judgment, gives an unqualified support to the view that the extradition is *obligatory*, in the absence of treaty stipulations, by the law of nations :

"It is the law and usage of nations, resting in the plainest principles of justice and public utility, to deliver up offenders charged with felony and other high crimes, and fleeing from the country in which the crime was committed into a foreign and friendly jurisdiction.

"This doctrine is supported equally by reason and authority."

He quotes the foreign text writers, and the English cases, and finds no authority for Coke's rejection of the right in the passage so frequently cited from the *Institutes*.

The 27th article of the British treaty, 1795, "was only declaratory of the law of nations, as well as, also, a number of other articles in the same treaty."

"These articles were the recognition, not the creation of right, and are equally obligatory upon the two nations, under the sanction of public law, since the expiration of that treaty as they were before.

"If the treaty restricted the application of the rule, yet upon the expiration of that treaty the general and more extensive rule of the law of nations revived."—*Matter of Washburn*, 4 Johns, Ch. R. 106.

Chief Justice Tilghman, of Pennsylvania, in a case which came before him, decided that the judiciary could not act in the arrest of a foreign criminal *upon the complaint of a private person*, and that the Executive alone can initiate the proceeding of extradition. He is the principal judicial authority in this country opposed to Chancellor Kent upon the controverted point of the *obligation* to surrender foreign criminals. Yet in the following observations he fully maintains the *right and power* of a government to make the surrender upon motives satisfactory to itself:

"The more deeply the subject is considered, the more sensible shall we feel of its difficulties, so that upon the whole the safest principle seems to be that no state has an *absolute and perfect right to demand* of another the delivery of a fugitive criminal, though it has what is called an *imperfect right*—that is, a right to ask it as a matter of courtesy, good will, and mutual convenience. But a refusal to grant such a request is no just cause of war.

"It is certain that this matter of delivering up is an affair of state, in which the judges and inferior magistrates cannot act, but as auxiliary to the executive power. The demand of the foreign court is addressed to none but the Executive; and none other power than the Executive has a right to comply with that demand.

"If these principles be just, it follows that under existing circumstances no magistrate in Pennsylvania has a right to cause a person to be arrested in *order* to afford an *opportunity* to the President of the United States to deliver him to a foreign government. But what if the Executive should hereafter be of opinion, in the case of some enormous offender, that it had a right, and was bound in duty to surrender him, and should make application to a magistrate for a warrant of arrest? That would be a case quite different from the one before me, and I should think it imprudent at the present moment to give an opinion on it. Every nation has an *undoubted right* to surrender fugitives from other states. No man has a right to say, I will force myself into your territory, and *you shall protect me*."—*Commonwealth vs. Deacon*, 10 S. and R., 123.

It has sometimes been said that Judge Story, though he expresses no opinion in his Commentaries (cited above) on this point in difference between Chancellor Kent and Chief Justice Tilghman, yet, incidentally, gives the great weight of his authority against the *obligation* of surrender, aside from treaty stipulations, in a reported case. An examination of that case, however, will show that his observations are only upon the point, and to the effect, that the *judiciary* cannot by any original authority make the surrender.

The prisoner in the case before him had been acquitted, on the ground that the homicide was committed within the jurisdiction of the Society Islands, and not on the high seas. The district judge suggested whether it was not the duty of the *court* to remand the prisoner to the foreign government for trial. Mr. Justice Story said:

"That he had never known any such authority exercised by our *courts*, except where the case was provided for by the stipulations of some treaty. He had great doubts whether, upon principles of international law, and independent of any statutable provisions or treaty stipulations, any *court of justice* was either bound in duty or authorized in its discretion to send back any offender to a foreign government whose laws he was supposed to have violated."—2 *Sumn.*, R., 486.

It is manifest from these citations that a violation of the *law of nations* is not predicable of the surrender by one nation to another of a fugitive criminal. Indeed, it might as well be charged that a treaty stipulation between the nations making such surrender of reciprocal obligation was in violation of, and not in obedience to, the law of nations, as that an individual act of extradition of a criminal was such violation. The quality of the act, as at variance or in accord with the law of nations, is not affected by its frequency or by the stipulation in advance for its performance.

We may conclude, then, upon the plainest reason and a uniform concurrence of authority, that the United States, in its relations to foreign nations, certainly possesses the authority to surrender to the pursuing justice of a foreign state a fugitive criminal found within our territory.

It is not at all important to solve the dispute whether this authority is accompanied or not with an absolute obligation to make the surrender. If the surrender, by the true principles of the law of nations, be indeed obligatory, then

a refusal or omission to make the surrender would be a violation of that law. If, on the other hand, it be a mere right, and not a complete obligation, the exercise of that right is a pursuance, and not a violation, of the law of nations. Whether a surrender of a criminal, as actually made, was by the proper authority or department of the government making it, is never a question under the law of nations, but wholly under the constitutional or municipal law of that government, distributing powers and duties among its own magistrates and departments.

Whether the executive act under consideration is amenable to censure, as not within the competency of the President under the Constitution, is yet to be considered; but, however this may be, the censure of such executive act, as a violation of the *law of nations*, (asserted in the resolution before the Judiciary Committee,) is conceived in error and unsupported by the authority of any publicist or of any adjudication.

The second topic of the inquiry is now to engage our attention, and it is well to state how far the preceding views, if correct, have advanced its discussion, and what are the true limits of its further consideration.

It appears, then, that there rests with the United States, as a nation, either an obligation or an authority to make extraditions, whenever the case presented calls for the exercise of the power.

It appears that there is not, and never has been, any treaty stipulations with Spain on the subject of the extradition of criminals. It appears that there is not, and never has been, any national legislation touching the subject of the extradition of criminals, except in connection with treaty stipulations with particular nations; that, consequently, the legislative will has never been expressed as to the mode by which, or the department of the government by which, the actual discharge of the international obligation, if it be such, or exercise of the national authority for the extradition of criminals, is to be performed.

In this predicament of the public and municipal law it will at once be seen that there is room for much diversity of opinion as to the legal consequences, as affecting the authority and duty of government, which flow from it. Accordingly, it will be found that in the discussion and action upon the subject which have arisen, upon the exigencies which presented themselves, various theories have divided the assent of the best instructed and most candid minds. These may all be assigned to one or the other of the following views:

1. That the extradition of criminals, in cases where the law of nations called for its being made, could not be directed or executed by any department of the federal government for want of an act of Congress in the premises.

2. That the several States of the Union might make extradition of criminals to foreign nations, even if the national authority on the subject were set in activity by the treaty-making or legislative power of the federal government, and certainly if these powers remained dormant.

3. That the international obligation to surrender criminals was not absolved, nor the national authority to make such surrender paralyzed or suspended, by the omission of Congress to legislate as to the manner and form of effecting the extradition; and that it belongs to the executive of the nation to perform this international obligation, or execute this national authority, by virtue of his office as established by the Constitution of the United States, excluding, on the one hand, the competency of the federal courts to make the surrender as a judicial function, and, on the other, the authority of the separate States of the Union to make it at all.

It is believed that no judicial decision of the federal courts upon the direct question of the power or duty of the President of the United States in the premises has ever been made, and that no case has ever presented the point directly for decision. In the case already cited from Johnson's Reports, Chancellor Kent adjudicated the point in favor of the President's authority. In the

case of *Holmes*, which came before the supreme court of Vermont in banc, the precise point, as a legal question, was decided in favor of the executive authority, that authority having been exercised by the governor of Vermont for the extradition of a Canadian murderer, *before* the treaty with Great Britain of 1842, and without any legislation of the State on the subject. The supreme court of Pennsylvania, in the case already cited from *Sergeant vs. Rawle*, expressly withheld its opinion upon the point, as not being in judgment before it, and left it for future consideration, when a case should arise, whether the executive of the nation, or of the State, possessed this power, without the support of a treaty or of legislation.

In this posture of judicial *decisions* upon the point, there are some principal sources of instruction and assistance in arriving at a correct conclusion, which might aid or correct general reasoning and general authorities on the subject :

1. The observation of learned judges and their decisions, in cases involving any of the principles, or presenting analogies.

2. The practice of the government in its foreign intercourse in questions arising under the law of nations, whether in its own conduct towards foreign nations, or in its demands and expectations from them.

Before proceeding to the examination of these sources of information and instruction, it is well to recur to a consideration of the true nature and limits of the determination to be sought, as not being wholly *legal* or *judicial*, but of *State* and of *administration*.

Attorney General Wirt, in one of his opinions, to be referred to hereafter more at large, thus clearly presents this important distinction, in reply to questions propounded by the Secretary of State :

"The questions which I understand to be propounded for my opinion are :

"1st. Whether we are under obligation and have the power to restore the slave? and if so,

"2d. What form of proceeding should be adopted for this purpose? "

"I beg leave to premise that both these questions rest chiefly on national and constitutional law, and on the practice of the government, of which I presume the evidence is to be found in the archives of the state. They are not, therefore, exclusively within the province of this office; but, on the contrary, are questions which address themselves as appropriately to the statesman as the lawyer. I remind you of this truth, that more weight may not be attached to my opinion, under the notion of its being official, than it fairly deserves; and having made this suggestion, I proceed with great respect to express my opinion on the question propounded to me."

The attention of the government to this precise subject of the action of the Executive in the surrender of criminals, and of the rules of the law of nations on the subject, seems first to have arisen upon a demand by Spain for the delivery of one Jones, a criminal who had fled from Florida, a Spanish dominion. Attorney General Lee gives to the Secretary of State, on the 26th January, 1797, this opinion :

"If a demand were formally made that William Jones, a subject and fugitive from justice, or any of our own citizens, heinous offenders within the dominion of Spain, should be delivered to their government for trial and punishment, the United States are in duty bound to comply; yet, having omitted to make a law directing the mode of proceeding, I know not how, according to the present system, a delivery of such offender could be effected. To refuse or neglect to comply with such a demand may, under certain circumstances, afford to the foreign nation just cause for war, who may not be satisfied with the excuse that we are not able to take and deliver up the offenders to them. This defect appears to me to require a particular law."—*Opinion of Attorney General*, vol. 1, pp. 69, 70.

It will be observed that this opinion recognizes the complete obligation, though there was no treaty, and the exposure even of the country to war for its non-fulfilment, but finds a complete paralysis of means to perform the duty or

avert the perils, for lack of a law of Congress in the premises. In a word, the Attorney General puts the matter distinctly upon the same considerations as would govern if there were a *treaty requiring extradition*, but no law of Congress providing modes and forms for executive action under it. For no one can demand for a treaty stronger obligation or sanction than that "the United States are in duty bound to comply" with it, and that "to refuse or neglect to comply may, under certain circumstances, afford the foreign nation *just cause of war*."

The next occasion upon which the question arose for the action of the government was in the noted case of Thomas Nash, *alias* Jonathan Robbins, in the year 1799, claimed under the 27th article of the British treaty. The surrender of the alleged criminal was made by the President, there being no act of Congress as to the mode or agent for the execution of the stipulations of the treaty.

The legal question then of the power of the *President* to make the surrender, which was obligatory upon the nation, was precisely the same as Attorney General Lee had conceived it; and if his view of the necessity of an act of Congress to invigorate the executive function was sound, the extradition should have been refused to England in 1799, as it had been to Spain in 1797.

The action of the Executive in the extradition became the subject of an earnest and most able debate in the House of Representatives, where the arguments on one side and the other were pressed with the utmost skill and force. The celebrated speech of John Marshall, sustaining the action of the President, in its exposition of the doctrines of the law of nations and of the Constitution, which controlled the subject, carried, with Congress and with the country, a judicial weight scarcely surpassed by that awarded to any of his subsequent judgments as Chief Justice.

This debate, in its result, may be considered as establishing two propositions: First, that an international obligation, resting upon the government, may be discharged under the Constitution without the aid of an act of Congress. Second, that it was an executive and not a judicial function, to be performed by the President by mere virtue of his office under the Constitution, without the need of any authority from Congress, or of any agency of the courts. It was strenuously contended that the function was in its nature judicial, and must be attributed to the judicial tribunals, and the action of the President was sought to be impugned as wresting the subject from the constitutional control of the judiciary.

Mr. Marshall thus announced the doctrines on this point, which received the assent of Congress and of the country:

"The case was in its nature a national demand made upon the nation. The parties were two nations. They cannot come into court to litigate their claims, nor can a court decide on them. Of consequence, the demand is not a case for judicial cognizance.

"The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations. Of consequence, the demand of a foreign nation can only be made on him.

"He possesses the whole executive power. He holds and directs the force of the nation. Of consequence, any act to be performed by the force of the nation is to be performed through him.

"He is charged to execute the laws. A treaty is declared to be a law. He must then execute a treaty, where he, and he alone, possesses the means of executing it.

"The treaty, which is a law, enjoins the performance of a particular object. The person who is to perform this object is marked out by the Constitution, since the person is named who conducts the foreign intercourse, and is to take care that the laws be faithfully executed. The means by which it is to be performed, the force of the nation, are in the hands of this person. Ought not this person to perform the object, although the particular mode of using the means has not been prescribed? Congress unquestionably may prescribe the mode, and Congress may devolve on others the whole execution of the contract; but till this be done, it seems the duty of the executive department to execute the contract by any means it possesses.

"The executive is not only the constitutional department, but seems to be the proper department to which the power in question may most wisely and most safely be confided.

"The department which is intrusted with the whole foreign intercourse of the nation, with the negotiation of all its treaties, with the power of demanding a reciprocal performance of the article, which is accountable to the nation for the violation of its engagements with foreign nations, and for the consequences resulting from such violation, seems the proper department to be intrusted with the execution of a national contract like that under consideration.

"If at any time policy may temper the strict execution of the contract, where may that political discretion be placed so safely as in the department whose duty it is to understand precisely the state of the political intercourse and connexion between the United States and foreign nations, to understand the manner in which the particular stipulation is explained and performed by foreign nations, and to understand completely the state of the Union?"

The whole speech of Mr. Marshall, by the method of the closest and most irresistible reasoning, exhibits the conformity of these doctrines with the Constitution, with the principles of international law, and with the established practice of the government, in the maintenance of the international obligation of neutrality, in the surrender by the Executive to one belligerent of prizes taken by the other, in violation or in fraud of our neutrality. This international obligation, though without treaty, he asserted, rested upon the same principles, and was identical in character, with the extradition of criminals. He exposes the error which had described the surrender of prizes in the practice of the government as a judicial proceeding, and exhibits it in its true light as an executive act under the law of nations. A brief quotation from his argument on this point is not out of place, and the whole speech is most worthy of attention. It is found in full in the appendix to 5 Wheat. Rep., in 2 Benton's Debates, and in Wharton's State Trials.

Mr. Marshall says:

"It has been contended that the conduct of the Executive on former occasions, similar to this in principle, has been such as to evince an opinion even in that department that the case in question is proper for the decision of the courts.

"The fact adduced to support this argument is the determination of the late President on the case of prizes made within the jurisdiction of the United States, or by privateers fitted out in their ports.

"The nation was bound to deliver up those prizes, in like manner as the nation is now bound to deliver up an individual demanded under the twenty-seventh article of the treaty with Britain. The duty was the same and devolved on the same department.

"The decision then on the case of vessels captured within the American jurisdiction by privateers fitted out of the American ports, which the gentleman from New York has cited with such merited approbation, and which he has declared to stand upon the same principles with those which ought to have governed the case of Thomas Nash, which deserves the more respect because the government of the United States was then so circumstanced as to assure us that no opinion was lightly taken up and no resolution formed but on mature consideration—this decision, quoted as a precedent and pronounced to be right, is found, on full and fair examination, to be precisely and unequivocally the same with that which was made in the case under consideration. It is a full authority to show that, in the opinion always held by the American government, a case like that of Thomas Nash is a case for executive and not judicial decision.

Of the acquiescence of Congress and of the public opinion of the country in the positions of Mr. Marshall, sustained at the time by nearly a two-thirds vote of the House of Representatives, the strongest evidence is to be found in the omission of Congress to pass any act during the period that the extradition article of the British treaty of 1795 was in force, and from a similar omission after the negotiation of the treaties of 1842 with Great Britain, and of 1843 with France—each containing an extradition article—until the year 1848, after a judicial doubt thrown upon the point by a difference between the federal judiciary and a justice of the supreme court of New York, arising in the case of Metzger, claimed under the French treaty. In this case of Metzger, arising in the year 1847, the learned judge of the district court of the southern district of New York held that an act of Congress was unnecessary to enable the Executive to carry into effect the extradition article of the treaty with France. A learned justice of the supreme court of New York held otherwise, and that, in the absence of an act of Congress, the federal Executive could not make the extradition. (1 Barb. S. C. R., 248.) The case was then brought before

the Supreme Court of the United States in a petition for *habeas corpus*. The court dismissed the petition on the ground that it had no jurisdiction to issue a *habeas corpus* for the purpose of reviewing the decisions of the United States district judge; but in the opinion of the court, delivered by Mr. Justice McLean, it is declared that the action of the Executive in the case was "proper," and "the most appropriate, if not the only mode of giving effect to the treaty," and that the aid of legislation was unnecessary. (5 How. U. S. Rep., 188-9.)

It may be considered, therefore, that the political and judicial departments of the government concurred in the opinion, that when there was an obligation, or an authority, resting with the federal government, for the extradition of a criminal, it was to be carried out as an executive and not as a judicial act, and that the aid of Congress was not needed for the competent discharge of the obligation or exercise of the authority.

This point being now cleared up, namely, that the absence of an act of Congress does not paralyze the executive function in the discharge of an international duty, or the exercise of an international power, the question reverts to the original one, viz: does the absence of an *express treaty* displace the international obligation and the national authority on the subject of the extradition of criminals, in the maintenance of the foreign intercourse of the government?

The interval between the expiration of the extradition article of the British treaty of 1795 and the negotiation of the treaty of Washington, in 1842, raised the point for Executive consideration in several cases, and in a case of marked interest and difficulty brought it for judicial observation, though not for express judgment, before the Supreme Court of the United States.

It was undoubtedly the *habit* of the federal Executive to decline to make a surrender of a fugitive criminal, during the interval, upon the application of the British government, and in the cases presented to it, which were of ordinary, though sometimes heinous, crime. From this arose another *habit* of extradition in satisfaction of what was clearly recognized as a necessary measure of justice and humanity, as well as of self-protection—that is to say, an extradition by the State governments upon the direct application of foreign governments. This habit was acquiesced in (and approved in some instances) by the executive department of the federal government.

The legislature of New York passed a general law regulating the proceedings for such extraditions by the Executive of the State, and the surrender of criminals, of course without treaty, under the general authority or obligation of the law of nations, and in the notion that this right of sovereignty pertained to the States, became systematic.

In this situation of the *habits* of the federal and State governments on the subject a notorious case of crime occurred in the Netherlands, in the robbery of the jewels of the Princess of Orange. The diplomatic representative of that government applied to the government of the United States for the extradition of the criminal, who was found in the city of New York. Attorney General Taney gave to Mr. Livingston, then Secretary of State, an opinion as to the propriety of the surrender by the federal Executive in these terms: "As there is no stipulation by treaty between the two governments for the mutual delivery of fugitives from justice, I think the President would not be justified in directing the surrender of the person upon whom a part of the stolen articles may have been found, in order that he may be brought to trial in the country where he is supposed to have committed the robbery." (Opinions of Attorneys General, vol. 2, p. 452.) Mr. Livingston, in communicating the decision of the President, expresses to the minister of the Netherlands his hopes "that, from the authorities of the State of New York having taken cognizance of the matter, the objects in view may be obtained by the means now pursuing, as effectually and more constitutionally than they could have been by a literal compliance with the request which has been made." The Department of State sent the

correspondence with the minister of the Netherlands, at his request, to the governor of the State of New York, and that magistrate (Governor Throop) issued his executive warrant for the delivery of the criminal to the minister of the Netherlands, "*to the end that he may be placed under the jurisdiction of the said kingdom of the Netherlands, to be dealt with for his supposed crime, according to the laws and justice of the said kingdom.*"

In the State of Vermont a like *habit* of extradition had sprung up, and there the governor, *without any law of the State on the subject*, and, of course, without treaty, as a direct exercise of authority under the law of nations, and not forbidden to the States by the federal Constitution, made the extradition by his executive warrant. Upon *habeas corpus* sued out by the criminal, upon solemn argument the supreme court of Vermont, in full bench, held the extradition to be in pursuance of the law of nations, to be valid without legislation, and to be competent to the State under the Constitution of the United States. The judgment of the State court was brought up for review to the Supreme Court of the United States, and the opinion of the learned justices of that court will, by a little attention to the true point in controversy, be seen to bear upon the point we are now considering, viz., whether a treaty is the source, under the Constitution of the United States, of the executive authority to surrender criminals, or whether the law of nations supplies that authority to the nation, and the Constitution itself confers the exercise of it upon the President.

The point in judgment in *Holmes vs. Jennison* (14 Pet. Rep., 649) was whether the States had authority to surrender criminals *when the United States had made no treaty and no law upon the subject*. It was conceded on all hands that this authority belonged to sovereignty, and that its exercise remained with the States unless, at the time of such exercise, it rested with the United States *under the Constitution*, and unless its concurrent exercise by the States was incompatible with its *possession* by the federal government. It was apparent, therefore, that if a treaty was necessary to put the federal government in possession of this authority, there being no such treaty, the action of the State of Vermont was within its competency; but if the federal government was in possession of this authority *without a treaty*, then the action of the State was beyond its competency, unless a concurrent authority was admissible.

Accordingly, Mr. Justice Thompson with his usual discrimination makes the *turning point of the jurisdiction of the court* to be, whether this power of surrendering criminals was in the government of the United States *by the Constitution*, or whether it needed to have its being and origin in a treaty. He rejected the jurisdiction for the reason that he held a treaty necessary to *confer* the power on the government. He observes:

"There is certainly no specific provision in the Constitution on the subject of surrendering fugitives from justice from a foreign country, if demanded, and we are left at large to conjecture upon various parts of the Constitution, to see if we can find that such power is, by fair and necessary implication, embraced within the Constitution. I mean, whether any such obligation is imposed upon any department of our government by the Constitution to surrender to a foreign government a fugitive from justice; for unless there is such a power vested somewhere, it is difficult to perceive how the governor of Vermont has violated any authority given by the Constitution to the general government. If such a power or obligation in the absence of any treaty or law of Congress on the subject rests anywhere, I should not be disposed to question its being vested in the President of the United States. It is a power essentially national in its character, and required to be carried into execution by intercourse with a foreign government, and there is a fitness and propriety of this being done through the executive department of the government, which is intrusted with authority to carry on our foreign intercourse.

"And unless the President of the United States is, under the Constitution, vested with such power, it exists nowhere, there being no treaty or law on the subject. And it appears to me indispensably necessary, in order to maintain the jurisdiction of this court in the present case, to show that the President is vested with such power under the Constitution."

"The Secretary of State, in answer to the letter of the governor of Vermont on the subject, says:

"I am instructed by the President to express his regret to your excellency that the request of the acting governor of Canada cannot be complied with under any authority now vested in the executive government of the United States, the stipulation between this and the British government for the mutual delivery over of fugitives from justice being no longer in force, and the renewal of it by treaty being at this time a subject of negotiation between the two governments.

"Here, then, is a direct denial by the President of the existence of such a power in the executive, in the absence of any treaty on the subject; and such has been the settled and uniform course of the executive government of the United States upon this subject since the expiration of our treaty with England. And if this be so, it may be emphatically asked what power in the general government comes in conflict with the power exercised by the governor of Vermont? In order to maintain the jurisdiction of this court in the present case, it must be assumed that the President has under and by virtue of the Constitution, in the absence of any treaty on the subject, authority to surrender fugitives from justice to a foreign government; otherwise it cannot be said that the governor of Vermont has violated the Constitution of the United States.

"This power to surrender fugitives from justice to a foreign government has its foundation, its very life and being, in a treaty to be made between the United States and such foreign government, and is not by the Constitution vested in any department of our government without a treaty."

On the other hand, Chief Justice Taney, and Justices Story, McLean, and Wayne, sustained the jurisdiction, the Chief Justice delivering an elaborate opinion. A few citations from this opinion will show that these four learned justices took the opposite view to Judge Thompson's, and construed the Constitution itself as lodging the power in the federal government, antecedent to and independent of treaty stipulations.

Chief Justice Taney says:

"This case presents a question of great importance, upon which eminent jurists have differed in opinion. Can a State, since the adoption of the Constitution of the United States, deliver up an individual found within its territory to a foreign government, to be there tried for offences alleged to have been committed against it? This involves an inquiry into the relative powers of the federal and State governments upon a subject which is sometimes one of great delicacy.

"The power which has been exercised by the State of Vermont is a part of the foreign intercourse of this country, and has undoubtedly been conferred on the federal government.

"As the rights and duties of nations towards one another in relation to fugitives from justice are a part of the law of nations and have always been treated as such by the writers upon public law, it follows that the treaty-making power must have authority to decide how far the right of a foreign nation in this respect will be recognized and enforced when it demands the surrender of any one charged with offences against it. Indeed, the whole frame of the Constitution supports this construction. All the powers which relate to our foreign intercourse are confided to the general government. The power of deciding whether a fugitive from a foreign nation should or should not be surrendered was necessarily a part of the powers thus granted."

The writ of error was dismissed on an equal division of the court, some special grounds of dissent from the opinion of Chief Justice Taney being taken by the other associate justices. But it was so apparent that, on the merits, a majority of the court were with the Chief Justice, that upon a new hearing in the supreme court of Vermont the prisoner was discharged, on the ground that it was contrary to the Constitution of the United States for a State to make extradition of criminals.

In the case of Kaine, whose extradition had been claimed under the British treaty by a direct application to a judicial officer of the United States, the question was brought up for review, and the point was taken that the application must be made by the foreign government to the Executive of the United States, and that the auxiliary judicial inquiry of fact must be made upon his institution. The case was dismissed upon the concurrence of a majority of the court on a question of jurisdiction. In the opinion of Mr. Justice Nelson, in which Chief Justice Taney and Mr. Justice Daniel concurred, the character of extradition, as an executive and not a judicial function, is thus stated:

"It may, I think, be assumed at this day, as an undoubted principle of this government, that its judicial tribunals possess no power to arrest and surrender to a foreign country fugitives from justice, except as authorized by treaty stipulations and acts of Congress passed in

pursuance thereof. Whether Congress could confer the power independently of a treaty is a question not necessarily involved in this case and need not be examined. If it was, as at present advised, I am free to say that I have found no such power in any article or clause of the Constitution delegated to that body by the people of the State.

"When the *casus faderis* occurs, the requisition or demand must be made by the one nation upon the other; and, upon our system of government, a demand made upon the nation must be made upon the President, who has charge of all its foreign relations, and with whom only foreign governments are authorized or even permitted to hold any communication of a national concern. He alone is authorized by the Constitution to negotiate with foreign governments and enter into treaty obligations binding upon the nation; and in respect to all questions arising out of these obligations, or relating to our foreign relations, in which other governments are interested, application must be made to him. A requisition or demand, therefore, upon this government must, under any treaty stipulation, be made upon the Executive, and cannot be made through any other department or in any other way."

And the learned justice then quoted, with approval, certain propositions of Mr. Marshall on this point, above given from his speech in the case of Thomas Nash.

Upon a survey of all these cases before the federal and State judiciaries, in much diversity and no inconsiderable contrariety of theory and reasoning, it may confidently be asserted that the weight of authority holds—

First. That the function of extradition is executive and not judicial.

Second. That it pertains to the federal and not to the State governments.

Third. That it is conferred on the federal government by the Constitution itself, and exists antecedent to and independent of treaties.

Fourth. That it is attributed to and may be exercised by the Executive without the need of legislative aid.

Upon the primary question whether, by the law of nations, extradition of fugitive criminals is absolutely obligatory, or only discretionary, upon considerations of justice, humanity and comity, it may be stated that the latter seems to be the view more generally accepted in the federal jurisprudence, the *obligation* being considered as imposed only by treaty stipulations to that effect. This view was held by Attorney General Wirt, and the expediency of exercising this discretionary power by the Executive, in proper cases, was recognized by him. In giving these views in a case presented by the Executive for his official advice, he accompanies them with the suggestion that the aid of legislation is necessary, and should be given. An examination of Mr. Wirt's opinion given to the government on the subject of the surrender of *property* by the Executive, on requisition, (which Mr. Marshall, as we have seen, demonstrated to be identical in principle with the extradition of criminals,) will, we think, forcibly expose his error in this view of the need of legislative aid to invigorate the executive authority.

Mr. Wirt says, in an opinion under date of November 20, 1821 :

"The truth seems to be that this duty to deliver up criminals is so vague and uncertain as to the offences on which it rests, is of so imperfect a nature, as an obligation, is so inconveniently encumbered in practice by the requisition that the party demanded shall have been convicted on full and judicial proof, or such proof as may be called for by the nation on whom the demand is made, and the usage to deliver or to refuse, being perfectly at the option of each nation, has been so various and consequently so uncertain in its action, that these causes combined have led to the practice of providing by treaty for *all cases* in which a nation wishes to give herself the right to call for fugitives from her justice.

"I am further of the opinion that even if, by the laws and usages of nations, the obligation existed, and were a perfect obligation, and the proof which is offered of the guilt of the accused also satisfied the requisitions of that law, still the President has no power to make the delivery. The Constitution, and the treaties and acts of Congress made under its authority, comprise the whole of the President's power. Neither of these contains any provision on the subject. He has no power to arrest any one, except for the violation of our own laws. A treaty or an act of Congress might clothe him with the power to arrest and deliver up fugitive criminals from abroad, and it is, perhaps, to be desired that such a power existed, to be exercised or not, at his discretion, for although not *bound* to deliver up such persons, it might very often be expedient to do it. There could certainly be no objection to the exercise of such power in a case like the present. It would violate no claim which these fugitives have on us. Humanity requires us to afford an asylum to the un-

fortunate, but not to furnish a place of refuge to the guilty. On the other hand, respect for ourselves, and a prudent regard for the purity of our society, admonish us to repel rather than to invite the admixture of foreign turpitude and contamination.

"There is another consideration connected with this subject which I beg leave to bring to your view. The people of the United States seem to have contemplated the national government as the sole and exclusive organ of intercourse with foreign nations. It ought, therefore, to be armed with power to satisfy all fair and proper demands which foreign nations may make on our justice and courtesy, or, in other words, with power to reciprocate with foreign nations the fulfilment of all the moral obligations, perfect and imperfect, which the law of nations devolves upon us as a nation. In this respect our system appears to me crippled and imperfect. It might be set to rights, with regard to the subject under consideration, by an act of Congress providing for the punishment of our own citizens who, having committed offences abroad, come home for refuge, and for the delivery of foreign culprits who flee to us for shelter".—*Opinions of Attorneys General*, p. 519, &c.

Attorney General Legare, in an opinion given October 11, 1841, puts the matter of declining the extradition wholly on the practice of the government :

"According to the practice of the executive department, the President is not considered as authorized, in the absence of any express provision by treaty, to order the delivering up of fugitives from justice.

"Whatever I might think of the power of the federal executive in the premises, were this a new question, I consider the rules laid down by Mr. Jefferson, and sanctioned after the lapse of upwards of thirty years by another administration, as too solemnly settled to be now departed from."—*Opinions of Attorneys General*, vol. 111, p. 661.

Attorney General Cushing, in an opinion under date August 19, 1853, gives his views on the general subject, in disposing of an application to this government to demand the extradition of a criminal, fled to the British provinces, charged with a crime not enumerated in our treaty with Great Britain. Mr. Cushing says :

"I have examined the papers which you were pleased to submit to me in the case of the people of New York *vs.* Aaron Wing, from which it appears that said Wing is under indictment for larceny, alleged to have been committed by him in violation of the laws of the State of New York, and is now a fugitive from justice in the British provinces, and application is made to you for process to obtain the extradition of said Wing.

"Larceny is not among the cases provided for by any convention between the United States and Great Britain. The crimes enumerated in the treaty of 1842, which now governs the question, are murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery in the utterance of forged papers. It is, therefore, in these cases only that by treaty either government *can claim* the extradition of fugitives from justice taking refuge in the dominions of the other.

"It is the settled political doctrine of the United States that, independently of special compact, no state is bound to deliver up fugitives from the justice of another state."—*See the authorities collected in Wheaton's Elements*, p. 172.

"It is true, any state may, in its discretion, do this as a matter of international comity towards the foreign state, but all such discretion is of inconvenient exercise in a constitutional republic organized as is the federal Union; and accordingly it is the received policy of this government to refuse to grant extradition, except in virtue of express stipulations to that effect."—*Mr. Legare's opinion*, October 11, 1841.

"Special reasons exist to dictate reserve in the matter of extradition. If the enumeration of cases for the claim of extradition in existing treaties be not sufficiently ample, it would seem better to enlarge the same by further mutual stipulations rather than at the mere discretion of the President."—*Opinions of Attorneys General*, vol. 6, pp. 85, 86.

It is believed that these opinions of successive Attorneys General indicate the views, from time to time, on which the practice of the government of the United States has been to decline the extradition of *criminals* in such cases as have arisen, in the absence of treaty stipulations. The theory upon which this practice has from time to time been rested, has not always been fully indicated in the opinions given by these learned officers, but unquestionably it has had its origin in the error, as it is confidently submitted later judicial discussions have shown it to be, that treaties *conferred* the power on the government, and legislation must attribute the function to the Executive; whereas the very existence of the government, as that of a nation among nations, devolved this

power and responsibility upon the government, and the Constitution itself attributed this executive function, with all others, to the President.

It has already been suggested that the practice of the government upon a branch of international relations whose just conduct, under the law of nations and the Constitution of the United States, rests upon the same principles which must govern this subject of extradition, has uniformly recognized the duty and ability of the government, in its executive department, to represent and act for the nation, without deriving power from treaties or from Congress.

Under the administration of Washington the whole subject of the powers and duties of the government, under the law of nations, and of the assignment of these powers and duties to the executive department, was settled upon the surest foundations of principle. And the practice of the government has never departed from the rules then established.

An adherence to these rules, upon all occasions, when the nation, as a neutral, has been called upon to fulfil obligations to belligerents, has preserved us from being drawn into hostilities, and made our conduct an illustrious example and guide for the great powers of the civilized world. Under the present administration the Executive has adhered to the same principles in the relations which the civil war has induced between this government and the maritime powers of Europe. To these principles the Executive has looked for the measure of the obligations of one nation to another, under the law of nations, and for the measure and support of the executive authority in the premises without the presence of treaty stipulations or of the legislation of Congress. The course of discussion, diplomatic and popular, has brought so distinctly and so recently before the public mind the historical illustrations of the conduct of our government, and the action of the present administration is so freshly in the public attention, that it is unnecessary to insist upon the transactions in detail. It is sufficient to say that the proposition of Mr. Marshall, assented to by his great opponents in debate, that the executive function of the extradition of criminals, under the law of nations and the Constitution of the United States, "is precisely and unequivocally the same" as that of the surrender of prizes, has never been refuted, and is believed to be impregnable.

Mr. Wirt, in his office of Attorney General, was called upon to advise the Executive as to its duty in certain cases where surrender was claimed from the government by foreign nations. In two of these cases the subject of the surrender claimed was *slaves*—a subject, under the general law of nations, falling more properly under the head of extradition of persons, than of delivery of property. In neither of these cases, besides, were the slaves charged as *criminals*, so that their case fell within the privilege of *asylum*, which civilized nations, and this nation more than all others, so strenuously and so resolutely maintain in protection of all refugees from political prosecution or personal oppression.

I proceed to quote from Mr. Wirt's opinions. Under date of November 7, 1821, the Attorney General, in the case of a vessel under consideration, upholds the executive power, and insists upon the international duty to make the surrender, even to the point of arresting private judicial proceedings against the vessel.

"If the President of the United States is satisfied that the seizure of *La Jeune Eugenie* by the United States schooner *Alligator*, Lieutenant C. Stockton commander, was a violation of the sovereignty of the King of France, and that she ought to be restored on the demand of the French minister, I can perceive no impropriety in adopting the course which was pursued in the case of the *Exchange*, and approved by the Supreme Court, (7th Cranch, 116,) that is, to disclose this fact to the court, before which the case is depending, by a suggestion to be filed by the attorney for the United States. It was the course which was pursued by President Washington in 1796, with regard to the *Cassins*, an armed vessel bearing the commission of the French republic."—(2 *Dallas*, 365.)

"The federal courts are not more completely vested with the judicial power of the nation than the Executive is with that portion of the national power which relates to foreign nations;

and when one of our citizens (in that freedom of action which belongs to them all) has carried before our tribunals a subject in which, according to the opinion of the Executive, they cannot proceed without violating the rights of foreign nations, and endangering thereby the peace of our own, it appears to me that it would be a palpable dereliction of duty on the part of the Executive to withhold the communication of this opinion from the court."—*Opinions of Attorneys General*, vol. 1, pp. 504-6.

Again, under date of January 22, 1822, Mr. Wirt advises the surrender to the French government of certain Africans:

"I have again considered the request of the French minister that the Africans found on board the French brig *La Pensee*, on her recapture from the pirates, should be delivered to him, as having been found on board of a French vessel, he proposing to restore them to their native land, from which they have been unlawfully taken; and it appears to me entirely proper to accede to his request.

"The Africans in question are not in the predicament in which our statutes prescribe the duty of the President; there has been no intention to violate our laws; they were not on their way to this country when captured by the pirates, nor when recaptured from them. They are not, therefore, within the provisions of any of our statutes.

"It has been doubted whether you have any power to act on the subject, but it was determined in the case of the *Jeune Eugenie* that we had no right to meddle with the flag of France, and that when a vessel covered by that flag had been turned from her course by one of our cruisers the President had power to restore her, or to hand her over, on application of the minister of France, to the French consul. It is, in my opinion, for the exercise of the same power only that the French minister has called here."—*Opinions of Attorneys General*, vol. 1, pp. 534, 535.

In the year 1822 the minister of Denmark demanded the extradition of a slave who had hid himself on board an American vessel when in a port of the Danish island of St. Croix. The presence of the fugitive on board had not been discovered till the vessel was well on its voyage, and he was brought to New York. The views of Mr. Wirt on the public and constitutional questions presented to him are remarkably clear and thorough. That so lamentable and perverse a misapplication of them should be made, must be ascribed to the then policy and principles of our government on the subject of slavery. Under date of September 27, 1822, Mr. Wirt says:

"From these views I am of the opinion that it is due to the sovereignty of Denmark, and to our own character as a nation, to restore this slave to the condition from which he has been taken, by a ship carrying our flag, and belonging to our citizens, and that the policy of our own laws conspires to enforce the performance of this duty.

"With regard to the President's power to order the restitution, I consider the question as settled long since by the practice of the government, sanctioned by the acquiescence of the people. The point once conceded that Denmark alone has the right to pronounce upon the condition of this man, that she has pronounced him a slave, and the property of a Danish subject, I see no difference between the President's authority to restore a ship or any other property belonging to a subject of a foreign power, which has been improperly taken from his possession by our citizens, or by a force furnished from the United States. This question, as regards ships, was very solemnly and on great deliberation settled by President Washington, assisted by the officers of the government who formed his first council in 1793, and the existence of the power was unanimously affirmed. The same power has been since repeatedly exercised on various occasions, and in different forms. Even where proceedings have been instituted against the subject in a court of admiralty, and the President has been required by the government to which or to whose people the property belongs to cause it to be restored, the President has, by a mere suggestion, filed in court by the attorney of the United States acting avowedly under his authority, arrested the proceedings of the court, and thus effected a restoration of the property, of which the following instances occur: The cases of the *Cassius*, in 1796; the *Young Eugenie*, in 1821. In all these cases the restoration was the mere effect of the interference of the President, and I can perceive no sound distinction in principle between these cases and the case under consideration.

"After so long an acquiescence in the exercise of this power on the part of the President it would seem unnecessary to investigate the source from whence he derived it. But I understand the process of reasoning which has led to the exercise of this power to be this: The President is the executive officer of the laws of the country; these laws are not merely the Constitution, statutes, and treaties of the United States, but those general laws of nations which govern the intercourse between the United States and foreign nations, which impose on them, in common with other nations, the strict observance of a respect for their national rights and sovereignties, and thus tend to preserve their peace and harmony. The United States in taking the rank of a nation must take with it the obligation to respect the rights of

other nations. This obligation becomes one of the laws of the country; to the enforcement of which the President, charged by his office with the execution of all our laws, and charged in a particular manner with the superintendence of our intercourse with foreign nations, is bound to look, and where wrong has been done to a foreign government, (invasive of its sovereignty and menacing to our own peace,) to rectify the injury so far as it can be done by a disavowal and the restoration of things to the *status quo*.

"In the particular case before us the performance of this duty would find sanction in the spirit and policy of our statutes prohibitory of the introduction of people of color among us, in relation to which so large a power is given to the President by the second section of the act of the 3d of March, 1819, in addition to the acts prohibiting the slave trade.

"II. What form of proceeding should be adopted for this purpose?

"I presume that the President might, by an order directed to the marshal of the State of New York, require him to deliver this slave to the order of the minister of Denmark. But as I understand that the civil authorities of New York have taken possession of this slave for the purpose of guarding the State against the danger of being burdened with the expenses of his maintenance, I submit to you, sir, whether it may not be due to comity to make the case known to the governor of the State, and to request that he will cause the slave to be delivered to the marshal for the purpose aforesaid, giving to the marshal the necessary corresponding instructions."—*Opinions of Attorneys General*, vol. 1, p. 567, &c.

In closing this examination of the principles of the Constitution, and of the practice of the government touching the extradition of criminals, (in the absence of treaty stipulations, or of an act of Congress to control,) it would seem to be demonstrated that, however reasonable and expedient, in the particular cases in which the extradition was declined, the action of the Executive may have been, (a topic not pertinent to the present inquiry,) an extradition in these cases could not have been pronounced a violation of the Constitution of the United States. It would have been but an exercise of discretionary authority, under the law of nations, vested by the Constitution in the President. In any one of these cases an extradition might have been open to condemnation, as unsuitable and oppressive, if its circumstances had given it that character, but it could not be condemned as a usurpation of power and a violation of the Constitution. So in the case now under consideration. Though the particular exercise of this authority of extradition may be at variance with principles of justice and humanity, if such a pretence can be made, yet *that* inculcation of the Executive would not involve a usurpation of power or a violation of the Constitution.

A few words should be devoted to that phrase of the resolution which charges the action of the Executive to have been "in derogation of the right of asylum." That the practice of civilized nations, and especially of this country, has maintained this privilege of asylum, and that this nation at least would consider its honor engaged to vindicate it, no one will be disposed to deny. This privilege is understood to embrace refugees from personal oppression and from the consequences of political offences. But no civilized nation, and our own as little as any, has included within this privilege criminals guilty of crimes proscribed by nature and humanity. In these cases, to afford protection against pursuing justice is an offence against humanity and against our own society. Mr. Wirt, in a passage already quoted, draws the distinction with force and precision. In speaking of the case of the criminals before him, he says their surrender "would violate no claim which these fugitives have on us. Humanity requires us to afford an asylum to the unfortunate, but not to furnish a place of refuge to the guilty. On the other hand, respect for ourselves and a prudent regard for the purity of our society admonish us to repel rather than invite the admixture of foreign turpitude and contamination."

Attorney General Cushing has presented the matter with admirable clearness in an opinion under date of October 4, 1853. The head note of his opinion is as follows:

"The mutual extradition of fugitives from justice is an object alike interesting to all governments.

"Emigrants and exiles, for cause of political difference at home, are entitled to asylum in this country, but not malefactors. On the contrary, the foreign government which reclaims its fugitive malefactors is serviceable to us by ridding us of the intrusive presence of crime.

Hence, when reclamation of a fugitive from justice is made, under treaty stipulation, by any foreign government, it is the duty of the United States to aid in relieving the case of any technical difficulties which may be interposed to defeat the ends of public justice, the object to be accomplished being alike interesting to both governments, namely, the punishment of malefactors, who are the common enemies of all society."

In closing the opinion, Mr. Cushing says :

"The object to be accomplished in all these cases is alike interesting to each government, namely, the punishment of malefactors, the common enemies of every society. While the United States afford an asylum to all whom political differences at home have driven abroad, it repels malefactors, and is grateful to their governments for undertaking their pursuit and relieving us from their intrusive presence."—*Opinions of Attorneys General*, vol. 7, p. 536, &c.

It seems to be well settled now, in the jurisprudence of the United States, that the several States have the right to exclude by legislation, and through executive power, criminals, paupers, vagrants, and other injurious elements of society, under the powers reserved to the States under the frame of our government.—(State of New York *vs.* Miln, 11 Pet. Rep., 102; *Holmes vs. Jennison*, 14 Pet. Rep., 649; the Passenger cases, 7 How. Rep., 283.)

An instance of the exercise of this right of exclusion of criminals by a State, upon motives of self-protection against the burden and pollution of their presence, occurred in 1855, when Mr. Marcy was Secretary of State, and Mr. Wood was mayor of New York. By the correspondence on file in the Department of State it appears that, upon information communicated to the department by the consul at Hamburg, and imparted to the mayor of New York, that magistrate arrested and sent out of the country the alleged criminals. As illustrative of the general subject, this correspondence is annexed.

It is, then, a misconception to speak of the extradition of a *criminal*, not within the description of a political refugee, as "in derogation of the right of asylum."

We are brought, now, by the course of this inquiry to the only remaining question which the nature of the subject, or the method adopted for its treatment, has left for consideration. We have seen the true position of the national obligation and authority for the extradition of criminals, as defined and established by the law of nations. We have seen that this obligation and authority, under the Constitution of the United States, and in the absence of treaty stipulations and statutory enactments, rest with the President. We have only further to consider whether the occasion presented, in the actual case, properly called for the performance, by the President, of this national obligation, and the exercise of this national authority.

It is obvious that, in the very nature of such an application made to our government by a friendly power, there is no opportunity for the suggestion of any motives or interests of a private or personal character, as possibly inviting or shaping the action of the Executive. The question presented to him has no connexion with topics or considerations except of the most public, the most important, and the most elevated character. Nor can there be any hesitation in feeling that, upon such an application, all purely official considerations would prompt the Executive to decline, rather than assume, affirmative and responsible action, when such a disposition of the matter might find a ready justification, and an opposite course might invite criticism or incur censure. In judging, therefore, whether the case presented to the President was suitable for the exercise of his authority, we may feel sure that the plain and substantial features of the case, in its relations to our national character and duty, and to the principles and policy of our government, are all that were before the mind of the President in determining his action, and all that have any place in this discussion.

The request made by the Spanish minister for the extradition of Arguelles to the justice of his government, recognized the relations of the two governments

as imposing no express or stipulated obligations upon one or the other for the reciprocal surrender of fugitive criminals, and placed the application upon the grounds of comity, in the interests of justice and humanity. Although we had never had, in the whole course of our amicable and intimate diplomatic and commercial relations with Spain, any treaty clause for the extradition of criminals, it was a most pertinent and important consideration for the President, in meeting this request of the Spanish government, that our government had not hesitated, with some frequency, when its important interests were concerned, to make similar demands upon the comity of the Spanish government in the same interests of justice and humanity. Our commerce with the Spanish West Indies, carried on almost entirely by our own marine, made us frequent applicants to the Spanish government for the extradition of seamen of our vessels charged with mutiny, murder, and piracy. It is believed that to all such applications the promptest and most respectful compliance has been yielded by the Spanish government, and it may well be doubted whether our extensive and valuable West India trade could have reached and maintained its prosperity had the Spanish ports furnished protection and immunity to these maritime offences. The consular correspondence on the files of the Department of State exhibits many cases of these extraditions, all resting upon the same grounds of international relations between the governments, upon which the case of Arguelles was put by the Spanish minister and treated by the President. A brief notice of a few cases will illustrate our obligations to Spain in this behalf, and the sentiments and policy upon which our government, with the universal approval of the people, has proceeded. In 1857 three seamen were arrested, lodged in jail in Havana, and sent to this country in irons, charged with the murder of the master, two mates, and a seaman of the brig *Albion*, of Portland. In 1860 several prisoners were sent from Havana to this country, charged with a murder on board the *Henry Warner*, committed in the port of Havana. In 1861 a seaman was sent to this country, as a prisoner, from Havana, charged with mutiny and stabbing the chief mate of the brig *Nebraska*, the crime having been committed in the port of Havana. And in the same year two seamen were surrendered as prisoners, and sent home from Havana, charged with mutiny and stabbing the mate of the ship *Ocean Traveller*. In all these cases the authority of the captain general of Cuba was exerted to the end of these extraditions at the request of our consuls, and as early as the year 1835 the footing upon which this action was had was settled in the correspondence of Consul Trist with the captain general of Cuba, according to the statement of the latter, as being "without prejudice to this (the local) jurisdiction, and in the spirit of cultivating harmony with the United States."

It is apparent, upon these established relations between our government and that of Spain in the extradition of criminals "upon the grounds of comity and in the interests of justice and humanity"—relations the permanence of which was of continual importance to our commerce—that it was impossible for the President to treat the equivalent application of the Spanish government otherwise than as that government had dealt with our requests; that is to say, according to the character and circumstances of the case presented.

But if our attitude and obligation towards the government of Spain on the general subject of the reciprocal extradition of criminals was such as I have stated, our attitude and obligations towards all Christian states on the subject of the African slave trade were special, unequivocal, and emphatic. The crime of Arguelles touched this subject in its most vital point, and the application of the Spanish minister for his surrender for punishment, exhibited an earnest and practical purpose of the Spanish government to concur with the policy of this government and of Great Britain for the absolute extermination of this infamous traffic, by suppressing the slave market in Cuba. This co-operation on the part of Spain had seemed so essential to the success

of the combined efforts of the governments of the United States and of Great Britain, that, at the very moment of the occurrences in the island of Cuba which gave rise to the application for the extradition of Arguelles, these two governments were about uniting in a representation to the government of Spain on the urgent occasion for efficient and decisive measures on its part for breaking up the market for slaves in Cuba. The point of this representation was the better securing the freedom of slaves landed on the island of Cuba when these unlawful importations were detected. This step on the part of this government was taken in pursuance of the interest and policy which had induced the stipulation of the ninth article of the treaty of Washington, that the parties to that treaty would unite in all becoming representations and remonstrances with any and all powers within whose dominions markets for African negroes were allowed to exist. The correspondence, heretofore referred to as laid before the Senate, shows the communications on this subject between the governments of Great Britain and the United States, and between them, respectively, and the government of Spain.

It is difficult to conceive a situation in which the request for the surrender of a criminal could have been enforced by more clear or more weighty considerations of our own national policy and engagements, to apply all just means of influence or of action in aid of the objects sought, and to be promoted by the application, than this case of Arguelles presents.

The preceding suggestions, however weighty, are quite independent of and introductory to what usually must constitute the sole elements of consideration upon which the Executive is to determine, whether or not a proposed case of extradition should or should not call forth the exercise of this power and duty under the law of nations, and the precepts of humane and Christian civilization. These elements are the traits of the alleged criminality, as involving heinous guilt against the laws of universal morality and the safety of human society, and the gravity of the consequences which will attend the exercise of the power in question, or its refusal.

The crime imputed to Arguelles, whether it be regarded as an offence against the justice of his own country, or against society and humanity, is of too dark a character to be deepened by epithets or invective. Holding high official position under the crown of Spain, and appointed in that office to the discharge of a particular and important trust in the interest of humanity, for the rescue from perpetual slavery of the wretched victims of the nefarious traffic which our laws denounce as piracy, a crime against the human race, he is charged with having himself sold into personal bondage one hundred and forty-one of these poor creatures, making to himself the great gain of their merchandise, and covering this violence from detection by manifold artifices of fraud, while at the same time he receives from a grateful government a large reward for his supposed fidelity and efficiency in carrying out its beneficent purposes in the trust confided to him. It is perceived at once that every circumstance which, in the view of the publicists, may be rightfully required by a sovereign power as a condition for the exercise of the authority of extradition, is here present in an extreme measure.

But the case presented to the Executive upon the request of the minister of Spain did not limit its appeal to considerations touching the punishment of heinous crime and the general interests of social and human welfare which make this the policy of all civilized nations. The representations of the Spanish authorities made it evident that the presentation of the person of Arguelles for trial under the offended laws of his own country was a necessary step towards the relief from their misery of the numerous victims of his crime. The subjection of Arguelles to trial was the key which was to unlock their dungeons, and thus a responsibility of inestimable force and vividness was impressed upon the President's decision. Negative action, as towards Arguelles and his punishment

became affirmative action for the continuance of his inhuman oppressions, and of the woes his crime had inflicted upon this crowd of innocent sufferers. That the chief magistrate of a great nation, in whom the law of nations and the Constitution of his country had reposed the power to meet this exigency, should hesitate to exercise it, upon cold and timid calculations of official ease, would be to make himself the careless spectator of the unaided misery, if not the moral accomplice of the unpunished crime.

Upon these considerations, then, it would seem that the action of the President of the United States, in directing the extradition of Arguelles upon the application of the government of Spain, was in pursuance of a national authority, sanctioned by the law of nations; was in exercise of an executive function belonging to his office under the Constitution; was not in derogation of any right of asylum; was a just recognition of our relations with a friendly power; was conformed to the cherished policy of this country for the extinction of the traffic in slaves, and was an obligation to justice and humanity which could not have been withheld.

I have the honor to be, sir, with great respect, your obedient servant,
 WILLIAM H. SEWARD.

Hon. JAMES F. WILSON,
Chairman of the Committee on the Judiciary, Ho. of Reps.

No. 19.] CONSULATE OF THE UNITED STATES OF AMERICA,
Hamburg, August 17, 1855.

SIR: I deem it my duty to inform you that I have just reasons to believe the Hamburg ship *Deutschland*, Popp, master, left here the 2d instant for New York, has on board four criminals, sent by the authorities of Güstrow, duchy of Mecklenburg-Schwerin, from the penal establishment of said Güstrow, to be landed at New York.

I have notified the collector and mayor of New York of all the facts I know in the premises, and am, sir, very respectfully, your obedient servant,
 SAMUEL BROMBERG.

Hon. WILLIAM L. MARCY,
Secretary of State, Washington, D. C.

DEPARTMENT OF STATE,
Washington, September 19, 1855.

SIR: Your despatch, No. 19, has been received, and an extract therefrom relating to the deportation of certain criminals to New York by the authorities of Güstrow has been sent to the mayor of the former place.

I am, sir, &c.,

WILLIAM HUNTER,
Assistant Secretary.

SAMUEL BROMBERG, Esq.,
United States Vice-Consul, Hamburg.

DEPARTMENT OF STATE,
Washington, October 20, 1855.

SIR: Referring to your No. 19, relating to the shipment to New York of four criminals by the authorities of Güstrow, I have now to inform you that the mayor of New York, to whom an extract from your despatch was sent, has in-

formed this department "that, upon an examination of the individuals referred to on board the *Deutschland*, he became satisfied that the representations as to them were true in all respects, and that they had been sent back to Hamburg on the 14th in the same vessel in which they arrived here.

I am, sir, &c.,

W. L. MARCY.

SAMUEL BROMBERG, Esq.,
United States Vice-Consul, Hamburg.

MAYOR'S OFFICE,
New York, October 15, 1855.

DEAR SIR: I had the honor to receive from you, on the 1st of September, a communication enclosing an extract from a despatch received at the Department of State from Samuel Bromberg, the United States consul at Hamburg, to the effect that four criminals had been sent to New York by the authorities of Güstrow, duchy of Mecklenburg-Schwerin.

A communication of a like character was received at this office about the same time from the same quarter.

The ship *Deutschland*, on board of which these persons were forwarded, arrived here on the 17th ultimo, and upon an examination on board I was satisfied that the representations as to them were true in all respects.

By my order they were detained on shore until the readiness of the *Deutschland* to sail on her return voyage, which was on the 14th instant, by which they were sent back to Hamburg, with a promise on the part of the agent of the vessel here that they should be at once forwarded to Güstrow on their arrival at that port.

I enclose copies of the correspondence with the agents of the ship *Deutschland* at New York.

I have the honor to be, very respectfully,

FERNANDO WOOD, *Mayor.*

Hon. W. L. MARCY,
Secretary of State, Washington City.

MAYOR'S OFFICE,
New York, September 22, 1855.

DEAR SIRS: For several weeks I have been in possession of information from an official and reliable source that the Hamburg ship *Deutschland*, which vessel sailed from Hamburg to this port on the 2d of August, and arrived here 17th instant, consigned to your address, had on board four criminals as passengers, who were sent here by the order and at the expense of the authorities of Güstrow, Duchy of Mecklenburg Schwerin, direct from the penal establishment at that place. On the arrival of the vessel, as you know, I caused the detention at the quarantine, so as to institute there a rigid inquiry into the character of her passengers, and particularly with reference to the four persons referred to. This examination has confirmed the truth of the representations made to me in part by the admissions of the criminals themselves.

They have been removed from the vessel and are now detained by my orders, awaiting the return of the *Deutschland* to Hamburg, by which opportunity I intend they shall be sent back to those who so inhumanely have sought to abuse the hospitality of this country. The immediate object of this communication is to ask on what day the vessel will probably sail, not doubting, from the respectable character of your firm, that you will readily co-operate with me in stopping the ingress into this port of persons of this class.

It is my determination to return all such, forthwith, in every case known to me, by the same vessel, and at the expense of those who bring or those who send them. That which was intended as a pecuniary or moral advantage will thus cease to be so, for, besides the exposure to be followed by the universal condemnation of every honorable or intelligent people, it will also receive the additional mortification of being an unprofitable operation within itself.

Very respectfully,

FERNANDO WOOD.

Messrs. BECK & KUNHARDT,
62 Beaver Street, New York.

NEW YORK, *September 23, 1855.*

SIR: We beg to acknowledge receipt of your communication of yesterday in which you informed us that the rigid inquiry instituted by you on board of the ship *Deutschland*, Captain Popp, from Hamburg, has confirmed the information previously received by you regarding the character of four passengers by said vessel, and that the same were sent directly from the penal establishment of Güstrow, duchy of Mecklenburg Schwerin, by order and at the expense of the authorities of that place.

We beg to repeat herewith what we already expressed to you verbally, that the owners of the *Deutschland* are entirely unaware of the unfavorable character of the four passengers referred to, and that nothing would be further from their thought than to have their vessel and their confidence abused by the smuggling on board of any passengers who are sent from penal establishments. We feel certain that the present case will cause the greatest indignation to the owners of the *Deutschland*—the more so, as the line to which the vessel belongs was established less with a view to pecuniary profit, than in order to promote the welfare and comfort of the German emigrants. The *Deutschland* will sail from here to Hamburg about the 10th of next month, and we shall reserve room for the four persons, so as to return them to where they came from. We shall give you timely notice when the vessel is ready.

Very respectfully, your most obedient servants,

EDWARD BECK & KUNHARDT.

His Honor FERNANDO WOOD,
Mayor of the City of New York.

Mr. Savage to Mr. F. W. Seward.

UNITED STATES CONSULATE GENERAL,
Havana, March 5, 1864.

SIR: In reply to your despatch of the 5th ultimo, accompanying a copy of a note from Lord Lyons of the preceding date, I have to state that, notwithstanding the most diligent inquiries among my friends, I have been unable to ascertain the name of the steamer that brought the large lot of African negroes (upwards of a thousand) captured by the Spanish authorities. These negroes were landed in the district of Colon, on the south side of this island. The steamer had been originally English; came from England to Cadiz, where she was put under Spanish colors, fitted out for the slave trade, and cleared ostensibly for a lawful voyage to Fernando Po, a Spanish island on the coast of Africa.

The negroes were captured on shore by the lieutenant governor of the district, and I am confidentially informed that the steamer proceeded again to Africa for another load of the same kind, the necessary stores having been placed on board

immediately on the discharge of her cargo. It is said that Don Julian Zulueta, Don Salvador Sania, Marquis of Marianao, the Brigadier Garcia Munoz, and other prominent persons, among whom General Concha is mentioned, were interested in that expedition.

Several slave expeditions have been landed for the same parties; but two besides the above have been captured, one of about six hundred negroes and the other of about two hundred, most of the cargo of this latter having been landed, and the vessel conveying them has the appearance of being English-built. Don José Carreras, a partner of Mr. S. Senia, has been for some time past in confinement, charged with being implicated in these violations of law. Should any further trustworthy information reach me I will not fail to transmit it at the earliest opportunity.

I am, sir, with great respect, your obedient servant,

THOMAS SAVAGE,
Vice-Consul General.

Hon F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 11, 1864.

MY LORD: Recurring to your note of the 4th ultimo respecting the arrival in Havana of a thousand imported negroes, in which the desire of her Majesty's government for any information on the subject is signified, I have the honor to enclose a copy of a despatch of the 5th instant from the United States consul general at that port which relates to the matter.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Savage to Mr. Seward.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, March 27, 1864.

SIR: I have just returned from an interview had with the captain general by his request, the object of which was to ascertain if the United States authorities can return to this island the person of an officer of the Spanish army named Don José Agustín Argüelles, who is believed to be in New York. This officer was, in November last, the lieutenant governor of the district of Colon, in this island, that effected the capture of the large expedition of African negroes reported by me to the department on the 20th of November last, despatch No. 107. The government was highly pleased with his zeal, and paid him \$15,000 for his share of the prize money usually allowed to captors of such expeditions. The officer subsequently obtained a leave of absence of twenty days, upon his representation that the object of his journey to New York was to purchase the Spanish journal there published, called *La Cronica*, has not returned, and since his departure it has been discovered that he and other officers of the district of Colon retained and sold into slavery one hundred and forty-one of the negroes captured by them. Some of these negroes were sold at \$700, and others at \$750 each.

The superior court of the island, having exclusive jurisdiction over such causes, has taken cognizance of this case, and requires the presentation of Don José

Agustin Arguelles before it, to insure the prompt liberation of these one hundred and forty-one victims. The captain general gave me to understand that, without Arguelles's presence, it would be very difficult, and, at all events, it would require a long time to attain that humane object. His excellency pronounced Arguelles to be a scoundrel, worse than a thief or highwayman, inasmuch as he took advantage of his position, as the local authority, to commit that outrage with little risk to himself.

I told the captain general that in the absence of an extradition treaty between the two governments, or of any law, public or municipal, authorizing the rendition, our government could not grant the request, but promised to lay the matter in this confidential way before you, which he desired me to do by the earliest opportunity.

I beg of you to consider the subject, and to advise me at an early day of your views thereupon.

I have the honor to be, with great respect, your obedient servant,
 THOMAS SAVAGE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
 Washington, November 28, 1863.

MY LORD: It appears, from information this day received from the consul general of the United States at Havana, that over one thousand African negroes were recently brought to that city. It is reported that they were landed from a steamship, whose name and nationality are unknown, in the neighborhood of Cardenas, or Sagua, and that very prominent and wealthy persons are said to be implicated in the business. The steamer was not captured. It is believed that she went to Nassau after landing the negroes. This intelligence has been communicated to the Navy Department.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
 Washington, November 28, 1863.

MY DEAR LORD LYONS: I have taken the President's instructions upon the suggestion, communicated in your note of October 15, of Earl Russell, concerning a joint or concurrent appeal to be addressed to the government of Spain for an amendment of her law which tolerates the bondage of imported Africans landed in Cuba after they have become in form the property of an owner of an estate in that island. If Earl Russell, with his large experience of this evil and of the difficulty of obtaining a correction of it, will prepare the draught of such a communication as he shall think may properly be addressed to the Spanish cabinet, the President will, with great pleasure, authorize me to communicate with the Spanish government in the same sense and spirit with those which

shall be adopted by her Britannic Majesty's government. I shall be thankful if you will inform Earl Russell that the President appreciates very highly the liberal and humane sentiments which have inspired the suggestion to which I have thus replied.

I am, my dear Lord Lyons, very truly yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 4, 1864.*

MY DEAR SIR: I did not fail to forward to Lord Russell a copy of the letter of the 28th November last, in which you did me the honor to inform me that if his lordship would prepare the draught of such a communication as might, in his opinion, properly be addressed to the Spanish cabinet, with a view to procure an amendment of the laws affecting the introduction of slaves into Cuba, the President of the United States would authorize you to communicate with the government of Spain in the same sense and spirit with those adopted by her Majesty's government.

Lord Russell has desired me to thank you for taking the President's instructions on this matter at a time when other pressing affairs must have occupied the attention of the Chief Magistrate. He has also authorized me to communicate to you the enclosed copies of a despatch from her Majesty's minister at Madrid, and of a note in which, in execution of instructions from her Majesty's government, that minister has pointed out to the government of Spain the measures which, in the opinion of her Majesty's government, are required for the suppression of the Cuban slave trade.

Her Majesty's government do not doubt that a similar representation addressed to the government of Spain by the United States minister at Madrid would have great weight with the Spanish cabinet, and they would learn with much satisfaction that the United States representative had been directed to make a communication to the Spanish minister for foreign affairs in the same sense as that made by her Majesty's minister in the note of which a copy accompanies this letter.

Believe me to be, my dear sir, your very faithful, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Enclosures.]

The present captain general of Cuba has acted in good faith in carrying out the treaty obligations of Spain for the suppression of the slave trade, and the Spanish government appears to have hitherto approved the proceedings of that officer. The result has been that the number of slaves introduced into Cuba within the twelve months ended the 30th of last September is estimated at from seven to eight thousand, as compared with eleven thousand two hundred and fifty-four, the number introduced in the corresponding twelve months of the preceding year.

This diminution in the Cuban slave traffic would be satisfactory if it were not that it is mainly owing to the exertions of one individual alone, General Dulce, the present captain general of Cuba, who, it must be borne in mind, is liable to be removed at any moment, when, in all probability, the traffic would again resume its wonted vigor.

General Dulce complains bitterly of the want of sufficient power conferred

upon him, and of the inadequacy of the provisions of the Spanish penal code for suppressing the Cuban slave trade; and if an officer so well disposed as is the present captain general of Cuba finds it impossible to put a stop to the importation of slaves into Cuba, it may be easily inferred that a less honorable officer would find ample excuses for the non-performance of his duties in this respect.

In order to put an end to the slave trade in Cuba, it is necessary that the Spanish government should take steps for amending the laws prohibiting the introduction of slaves into that island. The existing laws are admitted by the Spanish authorities to be insufficient for the purposes for which they were framed, and until they are amended the sincerity and good faith of the Spanish government will be liable to be called in question.

The 4th and 13th articles of the penal code only serve as a protection to the slave dealers. The former of these articles prohibits the seizure by the authorities of any newly imported slaves, no matter how notorious may have been the violation of the Spanish laws in introducing the negroes, if once the slaves have been conveyed to a property or plantation in the island.

The 13th article, on the other hand, provides that the legal punishment of slave dealers and their accomplices can only be inflicted in virtue of a sentence of the "Royal Audiencia Pretorial;" but in consequence of nearly the whole of the population of Cuba, as well as the subordinate authorities, being more or less mixed up and interested in the slave trade, it is impossible to procure evidence to convict the parties engaged in the traffic, and this article remains, therefore, entirely inoperative.

Eleven hundred slaves have, as is well known to the government of the United States, been recently seized by the captain general of Cuba after they had been successfully landed and conveyed to a plantation in that island. Attempts will doubtless be made to procure their restitution on the ground that they have been illegally seized by the captain general; but if one of these negroes is given up to the slave dealers, either by the orders of the Spanish government or by the decision of a judicial tribunal, her Majesty's government trust that the government of the United States will unite with her Majesty's government in addressing a serious remonstrance on the subject to the Spanish government.

FEBRUARY 4, 1864.

MADRID, *December 16, 1863.*

M. LE MIN'RE: In conformity with the wish expressed by your excellency in the conversation which I had the honor of holding with you on the 14th instant upon the subject of the slave trade in the island of Cuba, I proceed to particularize in writing those measures to which I alluded as being, in the opinion of her Majesty's government, calculated to put a final stop to that deplorable traffic, the adoption of which measures I am instructed to press upon her Catholic Majesty's government.

As I had the honor of stating to your excellency, the government of the Queen, my mistress, have learned with extreme satisfaction, from the official reports of her Majesty's consul at Havana, that a considerable diminution in the number of negroes illegally imported into Cuba within the year ending the 5th of September last has taken place, as compared with former years, and also that a well-judged amelioration in the treatment of those legally held in slavery there has been encouraged by the authorities of her Catholic Majesty—a measure, as her Majesty's consul remarks, which has happily combined a regard for humanity and a sensible increase in the productiveness of the plantations in which it has been adopted.

Her Majesty's government have pleasure in recognizing the good will and

activity displayed by the present captain general of Cuba, as well as the measure of his success, in checking the slave trade. It appears, however, that such are the temptations to unprincipled individuals to introduce slaves into Cuba, and such the facilities still afforded to them by the defects of certain parts of the Spanish laws regarding the subject, that without some modifications in these, his well-meant efforts must continue to fall short of their intended object.

The measures to which her Majesty's government would call your excellency's attention are—

1st. An enactment declaring slave trade to be piracy. This is a measure which has been adopted by many nations, including those possessing large numbers of slaves. Its success has been signal in checking the slave trade in countries where it most prevailed. It has mainly contributed to free Brazil from the stigma attaching to this inhuman traffic, and that without any injury to her productiveness or material prosperity. Her Majesty's government are not aware of any sound argument which can be alleged against this measure.

2d. A modification of the 9th and 13th articles of the Spanish penal code in force in the island of Cuba.

According to the former of these articles, the authorities cannot seize imported negroes when once they have been conveyed to a property or plantation, however notorious the fact of such violation of the law having been committed may be.

According to the latter, the legal punishment of slave traders and their accomplices can only be inflicted in virtue of a sentence by the Royal Audencia Pretorial. Now, it is well known that the difficulty of producing evidence before this court is so great, that proof to convict those accused of such charges is seldom, if ever obtained, however morally convinced the ruling authorities may be of their guilt. It is true that the captain general has power to remove officers of whose delinquency he feels certain, and it is true that the present Captain General Dulce, his predecessor, the Duke de la Torre, and others, have exercised this power in regard to certain flagrant cases; but how much more effective as regards public opinion, how much more satisfactory to her Catholic Majesty's government, would it be that such punishment and degradation should result from a legal conviction, rather than from the exercise of discretionary power.

I believe that in stating that the experience of the Duke de la Torre, as well as that of General Dulce, have caused them to coincide in the opinion that the adoption of both the measures to which I have above adverted would be expedient and necessary for the final extirpation of the slave trade in Cuba. I am not overstepping the truth in bringing, however, these measures under your excellency's attention. I feel confident that they will be submitted to the enlightened examination due to the intrinsic merits of the great end they are meant to forward, and also with the most friendly disposition on your excellency's part to set at rest forever a serious and painful matter of discussion between the governments of Great Britain and Spain.

I avail, &c., &c.

J. F. CRAMPTON.

His Excellency the MARQUIS DE MIRAFLORES, &c., &c.

MADRID, *December 16, 1863.*

MY LORD: In conformity with the instructions contained in your lordship's despatch of the 12th ultimo, I did not fail to express to the Marquis de Miraflores the gratification of her Majesty's government at the diminution of the slave trade, and the amelioration in the treatment of slaves in Cuba, reported by

her Majesty's acting consul general in his despatch to your lordship of September 30.

I said that it was satisfactory to know that these improvements resulted from the determination of the present captain general; and on the Marquis de Miraflores replying that General Dulce, by the manner in which he had acted, had faithfully carried out the wishes of her Catholic Majesty's government, I observed that, such being the case, I could feel no doubt that his excellency would take into serious consideration two measures, which appeared to her Majesty's government, and, indeed, to all persons acquainted with the subject, were wanting to enable that officer, who does not lack the will, to put a stop at once to the importation of slaves into Cuba, and to realize a wish which his excellency had so often concurred with me in expressing, that the serious and painful question which was continually recurring between the two governments in regard to this matter should be forever set at rest.

The two measures I alluded to were, I said: 1st. An enactment declaring the slave trade to be piracy. 2d. The modification of the penal code in force in Cuba, and particularly of the 9th and 13th articles.

With respect to the first of these measures, I observed that its efficacy had been shown in the case of Brazil, and no reasonable objection had ever been alleged against it by the Spanish government.

With respect to the second, the 9th and 13th articles of the code acted as a protection to the slave-traders, and defeated the intention of the law and the well-intended efforts of the Spanish superior authorities. The Marquis of Miraflores promised that he would take these matters into his consideration, and assured me that good will on his part would not be found wanting to do all that was possible to put an end to the slave trade.

As I had referred to particular articles of the penal code, he requested me to address him a note, in which they should be particularized, in order that he might be able at once to direct his attention to the points to which her Majesty's government alluded.

I have consequently, in the note of which I have the honor to enclose a copy, pointed out to the Marquis de Miraflores the effect of the articles 9 and 13 of the code, which are clearly stated in Mr. Crawford's report No. 12, of September 30, 1361, enclosed in your lordship's of that year.

I have, &c.,

J. F. CRAMPTON.

The EARL RUSSELL

Lord Lyons to Mr. Seward.

WASHINGTON, *February 4, 1864.*

SIR: I hastened to communicate to her Majesty's government the note dated the 21st instant (28th November last,) in which you did me the honor to inform me that you had learned from the United States consul general at Havana that more than one thousand recently imported African negroes had been brought to that city.

Her Majesty's government had already received intelligence of a steam vessel having left the African coast with a cargo of upwards of 1,100 slaves on board, and also of these slaves having been landed in Cuba. They have since been informed by her Majesty's consul general at Havana that eleven hundred and five of the newly imported slaves have been seized by the captain general of Cuba.

Her Majesty's government are not at present acquainted with the particulars relative to the vessel from which the slaves were landed, but they will take

measures to discover, if possible, the name of the vessel and the parties implicated in her proceedings, and they will be very much obliged if the government of the United States will communicate to them any information on the subject which the United States authorities may be able to furnish.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Savage.

DEPARTMENT OF STATE,
Washington, February 5, 1864.

SIR: Your despatches from No. 116 to 118, both inclusive, have been received. Referring to your despatch No. 110, relating to the landing of certain negroes from Africa, I have now to transmit herewith a copy of a note from Lord Lyons, from which you will perceive that the government of Great Britain desires further information in regard to the name of the vessel and the parties implicated in her proceedings. You will have the goodness, therefore, to endeavor to obtain such further information as you can, and communicate it to this department.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

THOMAS SAVAGE, Esq.,
United States Vice-Consul General, Havana.

Mr. Seward to Mr. Koerner.

DEPARTMENT OF STATE,
Washington, February 6, 1864.

SIR: By the 9th article of the treaty of Washington, of the 9th of August, 1842, between the United States and Great Britain, it is stipulated that the parties will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets (for African negroes) are allowed to exist, and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever.

Spain is believed to be the only Christian state in whose dominions African negroes are now introduced as slaves. She has a treaty with Great Britain stipulating for the suppression of that traffic. The instrument was concluded at a time and under circumstances which, as it seems to us, imposes a peculiar weight of moral obligation on Spain to see that her stipulations were carried into full effect. It is understood, however, that the just expectations of the British government in that respect have been signally disappointed. This has, no doubt, been mostly owing to the fact that a great part of the public revenue of Spain has hitherto been derived from Cuba, the prosperity of which island has in some quarters been erroneously supposed to depend upon a continued supply of imported slave labor. This is believed to be the source of the disregard of Cuban slave dealers of the humane policy of the home government, and the alleged inefficiency at times of the colonial authorities.

We have no treaty with Spain on the subject of the slave trade; but as the laws of the United States characterized it as piracy long before our treaty with

Great Britain above referred to, we think ourselves entitled to consider that trade an offence against public law, so far as to warrant our faithful compliance with the stipulation contained in that treaty. Herewith I transmit a copy of an informal note on this subject, of the 4th instant, addressed to me by Lord Lyons, and of the papers to which it refers. From these it appears, that though the number of Africans introduced into Cuba is diminishing, yet that the municipal laws in force there require amendment before a stoppage of the traffic can be expected. The peculiar relations of Great Britain to Spain, with reference to this topic, may justify to the full extent the text of the note of Sir John Crampton to the Marquis of Miraflores. The relations of the United States to Spain, however, are of a different character; but the President authorizes and directs you to address a communication in general terms to the Spanish minister for foreign affairs, setting forth the treaty stipulations between the United States and Great Britain on this subject, and stating that it would afford the utmost satisfaction in this country if any obstacles existing in Cuba to the complete suppression of the African slave trade should be removed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., Madrid.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 6, 1864.

MY DEAR LORD LYONS: I have the honor to acknowledge the receipt of your note of the 4th instant, communicating the copy of a despatch from her Majesty's minister at Madrid, and of a note framed under the instructions of her Majesty's government, pointing out to the government of Spain the measures which, in the opinion of her Majesty's government, are required for the suppression of the Cuban slave trade.

In reply, I have the honor to acquaint you that, in conformity with the suggestion contained in your note, the minister of the United States at Madrid has been instructed to address to the Spanish minister for foreign affairs a representation, in the same sense as that made by her Majesty's minister in the note above referred to.

I am, my dear Lord Lyons, very truly yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c. &c., &c.

P. S.—I enclose a copy of my instruction to Mr. Koerner.

Mr. Koerner to Mr. Seward.

[Extract]

LEGATION OF THE UNITED STATES,

Madrid, February 28, 1864.

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Some time previous to the receipt of your last, Sir John Crampton had called upon me, and had explained the grounds and the object of the remonstrances which his government had felt itself compelled to make to the Spanish government respecting certain failures in the proper execution of treaty stipulations

existing between Great Britain and Spain as to the suppression of the slave trade. He also informed me of the President's promises to support the British reclamation, according to the Washington treaty. Subsequent to the receipt of your despatch upon that subject, I had another interview with Sir John, in which he informed me of the conversation and the correspondence which he had already had with the minister of state on the question, and of his prospects of success.

In pursuance of your despatch, I have addressed a note to Señor Arrazola, the minister of state, a copy of which I have the honor to enclose. I have also furnished a copy to Sir John.

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

LEGATION OF THE UNITED STATES,
Madrid, February 27, 1864.

SIR: The subject of suppressing the inhuman African slave trade has been one of deep anxiety to the government of the United States from the time of its foundation. The United States have been among the first of nations, if not the first, that have denounced this traffic in human beings as piracy, and have visited their own citizens implicated in it with the severest penalties. At very heavy pecuniary sacrifices, and at the risk of the lives of their own naval officers and seamen, they have for more than twenty years supported a squadron on the western coast of Africa, in a most destructive climate, in order to prevent the successful carrying on of this nefarious trade. They have, with a like view, entered into stipulations with her Britannic Majesty in the year 1842, contained in what is called the treaty of Washington, the 9th article of which is as follows:

(Here follows the article entire.)

The attention of the President of the United States has lately been directed to certain difficulties which have presented themselves, and which appear to prevent a complete suppression of the slave trade in the colonial possessions of her Catholic Majesty, and more especially in the island of Cuba, which difficulties do not arise from any desire of the Spanish colonial authorities to favor the said trade. It is well known that the efforts made by the captain general of that island correspond entire to the wise and humane policy which the home government of her Catholic Majesty has adopted in regard to the subject in question, and which is thoroughly appreciated by the President and the people of the United States.

The difficulties spoken of seem to be inherent in the laws and regulations in existence, which are supposed to give room to interpretations by which their force may be evaded.

In view of the general policy of the United States, which looks upon the African slave trade as an offence against the public law of nations, and has denounced it as piracy; in view, also, of the treaty stipulations existing between them and the government of her Britannic Majesty, the President of the United States has instructed me to respectfully call the attention of her Catholic Majesty's government to this subject, and to suggest such a revision of the existing laws and regulations concerning the unlawful introduction of slaves into the island of Cuba as will best accomplish the object which her Majesty's government had in view when those laws and regulations were enacted.

It is hardly necessary for the undersigned to assure your excellency that

these suggestions arise from the purest motives, and would not have been made unless the President had considered the very friendly and cordial relations existing between the United States and Spain as justifying this application, and had he not been bound to another friendly nation by engagements which it is his duty as well as his pleasure to carry out faithfully.

It is almost equally unnecessary for me to inform your excellency that it would afford the utmost satisfaction to the President and the people of the United States if any obstacles existing in the island of Cuba to the complete suppression of the African slave trade should be removed by the considerate action of the government of her Catholic Majesty.

The undersigned takes great pleasure to assure, &c., &c., &c.,

GUSTAVUS KOERNER.

His Excellency Señor Don L. ARRAZOLA.

Minister of State of her Catholic Majesty.

THE EXTRADITION OF COLONEL ARGUELLES.

OFFICIAL PAPERS.

The President of the United States on the 1st instant communicated to the Senate, in answer to a resolution of that body, the following report from the Secretary of State and accompanying documents.

Mr. Seward to the President.

DEPARTMENT OF STATE,

Washington, May 30, 1864.

The Secretary of State, to whom was referred the resolution of the Senate of the 28th instant requesting the President to inform that body, "if he shall not deem it incompatible with the public interest, whether he has, and when, authorized a person, alleged to have committed a crime against Spain, or any of its dependencies, to be delivered up to officers of that government; and whether such delivery was had; and, if so, under what authority of law or of treaty it was done," has the honor to submit to the President a copy of the papers which are on file or on record in this department relative to the subject of the resolution.

By the act of Congress of the 15th of May, 1820, the African slave trade is declared to be piracy. By the ninth article of the treaty of 1842 with Great Britain, it is stipulated that, "Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes, the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets are allowed to exist, and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever."

There being no treaty of extradition between the United States and Spain, nor any act of Congress directing how fugitives from justice in Spanish dominions shall be delivered up, the extradition in the case referred to in the resolution of the Senate is understood by this department to have been made in virtue of the law of nations and the Constitution of the United States.

Although there is a conflict of authorities concerning the expediency of exercising comity towards a foreign government by surrendering, at its request, one of its own subjects charged with the commission of crime within its territory, and although it may be conceded that there is no national obligation to make such a surrender upon a demand therefor, unless it is acknowledged by treaty or by statute law, yet a nation is never bound to furnish asylum to dangerous criminals who are offenders against the human race, and it is believed that if, in any case, the comity could with propriety be practiced, the one which is understood to have called forth the resolution furnished a just occasion for its exercise.

Respectfully submitted.

WILLIAM H. SEWARD.

To the PRESIDENT.

CORRESPONDENCE.

Mr. Savage to Mr. Seward.

UNITED STATES CONSULATE GENERAL,
Havana, November 20, 1863.

SIR: Over one thousand African negroes were brought to this city a few days since. It is reported that they were landed from a steamship (whose name and nationality are unknown) in the neighborhood of Cardenas, or Sagua. Very prominent and wealthy persons are said to be implicated in this business.

I have the honor to be, with great respect, your obedient servant,
THOMAS SAVAGE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

The steamer was not captured. It is believed that she went to Nassau after landing the negroes.

T. S.

Mr. Tassara to Mr. Seward.

LEGATION OF SPAIN IN WASHINGTON,
Washington, April 5, 1864.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has received information of the arrival in this country of an officer of the Spanish army, named Don José Agustín Arguelles, escaped from the island of Cuba under the charge of having sold negroes into slavery.

The circumstances of the case seem to be as follows:

The above named officer was, in November last, lieutenant governor of the district of Colon, and effected, whilst in this capacity, the seizure of a large expedition of African negroes. The government, pleased with his zeal, paid him a large sum as his share of the prize money usually allowed to the captors of such expeditions. The officer subsequently obtained a leave of absence of twenty days to proceed to New York, upon representing that the object of his journey was to purchase a Spanish journal published in that city, but since his departure it has been discovered that he and other officers of the district of Colon retained and sold into slavery one hundred and forty-one of the negroes

captured by them. The superior court of the island, having exclusive jurisdiction over such causes, has taken cognizance of this case, and requires the presence of Arguelles before it to insure the prompt liberation of the one hundred and forty-one victims. Without such presentation it would be very difficult, and, at all events, it would require a long time to attain that humane object.

The undersigned is well aware that no extradition treaty exists between the United States and Spain, in virtue of which the surrender of Arguelles to the authorities of Cuba might be obtained. Yet, considering the gross and scandalous outrage which has been committed, as well as the interests of humanity at stake in the prompt resolution of this matter, he has not hesitated in submitting the case in this confidential way to the consideration of the United States government, in order to ascertain whether an incident so exceptional could not be met with exceptional measures.

The undersigned has been the more induced to take this step, that he has good reason to believe a similar application to have been made also in a confidential form by the captain general of Cuba.

The undersigned avails himself of this occasion to renew to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Savage.

DEPARTMENT OF STATE,

Washington, April 14, 1864.

SIR: Your despatch No. 136 has been received, in which you call attention to the case of Don José Agustín Arguelles. I am instructed to inform you that if the captain general will send to New York a suitable officer, steps will, if possible, be taken to place in his charge the above named individual for the purpose indicated in your despatch. You will immediately communicate the purport of this instruction, in confidence, to the captain general.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

THOMAS SAVAGE, Esq.,
Vice-Consul General of the United States, Havana.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,

Washington, April 16, 1864.

SIR: In acknowledging the receipt of your confidential communication of the 5th instant, I have the honor to inform you that the consul general of the United States at Havana has been instructed to state to his excellency the captain general of Cuba, that if a suitable officer be sent to New York, such steps as may be proper will be taken to place in his charge, for the purpose indicated in your note, the Spanish officer Don José Agustín Arguelles.

Be pleased to accept the renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.,
Washington.

Mr. Savage to Mr. Seward.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, April 23, 1864.

SIR: I have the honor to acknowledge the reception of despatches from the department, Nos. 70 to 77, both inclusive. I also received yesterday the despatch, No. 79, signed by F. W. Seward, Assistant Secretary, and immediately communicated the purport thereof, in confidence, to the captain general. He had likewise a despatch from the Spanish minister at Washington, advising him of the interview he had had with you on the subject of the rendition of the Spanish officer, Don José Arguelles. His excellency was very much pleased, and very warmly expressed his thanks to me for the promptness with which I had attended to his request in this matter. He read me the Spanish minister's letter, and said that he would send a proper officer to perform the service, who will probably proceed to New York by the steamer Columbia on Monday next, and, on arrival, immediately repair to Washington and place himself under the direction of the Spanish minister.

In this connexion, I deem it proper to make known to you that the captain general is under the impression that Arguelles will be surrendered as accused of crime, to be subjected to trial here, in which case, from what I can learn, he will certainly be convicted and sentenced to the chain-gang, which will be the fate of the curate of Colon, and three or four others who were accomplices, aiders, and abettors of Arguelles in the nefarious business. I did not say anything to his excellency to the contrary, not feeling authorized to do so.

The one hundred and forty-one negroes sold into slavery by Arguelles, as alleged, were represented by him and his accomplices as having died of disease after landing, and the curate of Colon is charged with having made a new register of deaths, wherein those supposed deaths were inserted. This new register supplanted the regular one which the captain general says Arguelles took away and now has in his possession. Conclusive evidence of this fact is before the court.

I have the honor to remain, with great respect, your obedient servant,
THOMAS SAVAGE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Translation.]

SUPREME CIVIL GOVERNMENT OF THE EVER-FAITHFUL ISLAND OF CUBA,
POLITICAL DEPARTMENT.

YOUR EXCELLENCY: In reply to your communication dated 15th instant, (No 19,) I have to say to you that it is convenient that the individual mentioned in your aforesaid communication, to which I have the honor to reply, be placed on board the vessel coming immediately to this place, and the persons who are pointed out in the margin of this letter will take charge of him.

I ask you to make known to his excellency Secretary Seward how much I thank him for his co-operation in this affair, because by it he assists the ex

posure and punishment of a crime totally distinct from any political matter, the result of which will be that more than two hundred human beings who are groaning in slavery will owe to his excellency the recovery of their freedom.

God save your excellency many years.

HAVANA, *April 26, 1864.*

DOM'O DULCE.

His Excellency the MINISTER OF SPAIN at *Washington.*

[Translation.]

SUPREME CIVIL GOVERNMENT OF THE EVER-FAITHFUL ISLAND OF CUBA.

OFFICE OF SECRETARY—POLITICAL.

MOST EXCELLENT SIR: My aide-de-camp, with the person expected, arrived in the steamer *Eagle*. I request your excellency to render thanks in my name to Mr. Seward for the service which he has rendered to humanity by furnishing the medium through which a great number of human beings will obtain their freedom, whom the desertion of the person referred to would have reduced to slavery. His presence alone in this island a very few hours has given liberty to eighty-six.

I also render thanks to your excellency for the efficiency of your action.

God preserve your excellency many years.

HAVANA, *May 19, 1864.*

DOMINGO DULCE.

His Excellency the MINISTER OF SPAIN at *Washington.*

Mr. Savage to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE GENERAL,

Havana, May 23, 1864.

SIR: In consequence of my temporary illness previous to the sailing of the steamship *Eagle* from this port for New York, I was unable to inform you of the arrival in Havana, per same steamer from New York, of the late lieutenant governor of Colon, José Agustín Argüelles. He arrived here at about 8 o'clock at night, accompanied by the captain general's agent and two United States deputy marshals. He was immediately lodged in jail, and was next morning conveyed to Moro Castle, where he still remains. Various rumors were put in circulation on his arrival, which created considerable excitement. One rumor obtained great circulation, that he had been kidnapped from New York, and that the captain general intended to condemn him to the chain-gang.

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THOMAS SAVAGE,
Vice-Consul General.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

THE ARGUELLES CASE.

Early in the morning of the 11th ultimo Don José Agustín Argüelles, an officer of the Spanish army, sojourning in the city of New York, was seized by

authority of the President of the United States and secretly conveyed to a steamer in that port bound for Havana, in the island of Cuba. So secretly and summarily was the arrest effected, as he was in the act of making his morning toilette in a room adjoining the chamber of his wife, that his wife remained in ignorance of his condition or his destination until, some days afterwards, she learned both from the Spanish minister in this city.

From the official correspondence, which we published on Tuesday last, it will be seen that Colonel Arguelles was formerly the lieutenant governor of the district of Colon, in the island of Cuba, and that he effected the capture of a large cargo of African negroes illegally landed within that district on the 20th of November last. The captain general, it is said, was highly pleased with his zeal, and paid him fifteen thousand dollars for his share of the prize money usually allowed to captors of such expeditions. Arguelles subsequently obtained a leave of absence of twenty days, upon his representation that the object of his journey to New York was to purchase the Spanish journal published in that city called "La Cronica."

It is represented by the captain general that after the departure of Arguelles from Cuba it was discovered that he and other officers of the district of Colon had retained and sold into slavery one hundred and forty-one negroes captured by them. Some of these negroes, it is said, were sold at seven hundred dollars, and others at seven hundred and fifty dollars each. It is further represented that the superior court of the island, having exclusive jurisdiction over such causes, had taken cognizance of this case, and required the presentation of Don José Agustín Arguelles before it to insure the prompt liberation of those one hundred and forty-one victims. Without Arguelles's presence it would be very difficult, or at all events it would require a long time, to attain that humane object.

Mr Thomas Savage, our vice-consul general at Havana, when approached on the subject of the reclamation of Colonel Arguelles, stated to the captain general of Cuba that, "in the absence of an extradition treaty between the two governments, or of any law, public or municipal, authorizing the rendition, our government could not grant the request," but promised to lay the matter, in a confidential way, before the Department of State.

In like manner, Señor Don Gabriel G. Tassara, the Spanish minister at Washington, in communicating the facts of the case to our government, (employing almost the *ipsissima verba* of Mr. Savage, and thus showing that both Mr. Tassara and Mr. Savage wrote from representations prepared for them by the Cuban authorities,) took care to state that he was "well aware that no extradition treaty exists between the United States and Spain, in virtue of which the surrender of Arguelles to the authorities of Cuba might be obtained; yet, considering the gross and scandalous outrage which has been committed, as well as the interests of humanity at stake in the prompt resolution of this matter," it was added, "he has not hesitated in submitting the case in this confidential way to the consideration of the United States government, in order to ascertain whether an incident so exceptional could not be met with exceptional measures."

Thus addressed on the subject, the President ordered the "exceptional measure" of arresting and surrendering Colonel Arguelles on his sole responsibility, in the absence, as Mr. Savage phrases it, "of any extradition treaty, or of any law, public or municipal, authorizing the rendition" of the alleged fugitive from justice. And the Secretary of State, in reporting the transaction to Congress, is frank to avow that the "exceptional measure" was taken in obedience only to general considerations of international comity. To this effect he writes:

"There being no treaty of extradition between the United States and Spain, nor any act of Congress directing how fugitives from justice in Spanish dominions shall be delivered up, the extradition in the Arguelles case is understood by the State Department to have been made in virtue of the law of nations and the Constitution of the United States. Although

there is a conflict of authorities concerning the expediency of exercising comity towards a foreign government by surrendering, at its request, one of its own subjects charged with the commission of crime within its territory, and although it may be conceded that there is no national obligation to make such a surrender upon a demand therefor, unless it is acknowledged by treaty or by statute law, yet a nation is never bound to furnish asylums to dangerous criminals who are offenders against the human race; and it is believed that if, in any case, the comity could with propriety be practiced, the one which is understood to have called forth the resolution of inquiry of the Senate furnished a just occasion for its exercise."

The apologetic language in which this statement is couched, and the candid manner in which the whole transaction is characterized by our consular representative at Havana, and by the Spanish minister in the very act of asking what he admits to be an "exceptional measure," might perhaps be justly held to absolve us from the necessity of instituting any inquiry into the legal aspect of a question which is thus admitted on all hands to be outside of the sphere of law. But, as we have always been taught that our government is a government of *laws* and not of *men*, it may be proper for us to restate the principle of international and municipal jurisprudence which we understand to govern the practice of civilized states in the mutual extradition of fugitives from justice.

There was a time in the history of nations when, as the laws then stood, alleged criminals might be lawfully surrendered, and when in fact they frequently were surrendered, by executive authority alone. It was in the days when the monarch or ruler gathered into his single person the powers of the state, and when "the government" meant nothing more than the authority of the sovereign who swayed the destinies of the people. In his learned work on the Conflict of Laws, Judge Story states that the practice of mutually surrendering up fugitives from justice had long prevailed between neighboring nations under the civil law as a matter of comity and sometimes of treaty stipulation. Under the Roman Empire this right of having a criminal remitted for trial to the proper *forum criminis* was unquestioned, as it resulted from the very nature of the universal and common dominion of the Roman laws.

And, at a later period, considerations of humanity, such as are now invoked to sanction the secret arrest and informal surrender of Colonel Arguelles, were held among the sovereigns of Europe to be legitimate grounds on which they might mutually ask and allow the remitter of alleged criminals. But in more modern times, since in the progress of civilization there has been a greater articulation in the powers of government, so that "the government" is no longer embodied in the person of the Executive alone, there has been a corresponding change in the principles and usages regulating the surrender of criminals escaping from one country into another. Criminals are still surrendered by the *sovereign authority* of each country, but as in free and constitutional governments this sovereign authority no longer resides in the person of the Executive alone, the machinery for their legal surrender has come to partake of the complexity resulting from the partition of powers in such governments. In this country, for instance, the Executive is only a part of "the government," and, as such, has no plenary power by virtue of which to assume a discretionary jurisdiction in regard to any subject-matter as to which such discretion has been expressly precluded by the letter of the law whose minister he is.

We shall proceed to show that the matter and manner of the extradition of alleged fugitives from justice are so regulated by general principles of modern international law, and by express statutes of our national legislature, as to deprive the Executive of all original and independent authority in the premises. Any assumption of such authority is not only without law, but is in direct contravention of both public and municipal law.

The legal traditions of our government on this subject are ancient, uniform, and undisputed. As early as 1792, Mr. Jefferson, while Secretary of State under President Washington, authorized our ministers at the court of Spain, Messrs. Wm. Carmichael and Wm. Short, to negotiate a treaty with that power

for the mutual delivery of persons charged with the crime of murder. (See American State Papers, Foreign Relations, p. 257.) It was stipulated in the project of the convention then proposed by Mr. Jefferson that the person authorized by the Spanish government to pursue the alleged murderer in the United States should apply to "any justice of the Supreme Court of the United States, or to the district judge of the place where the fugitive is, and should exhibit proof, on oath, that a murder had been committed by the said fugitive within the territory of the said government." The judge was thereupon to be empowered to issue a warrant for the arrest of the fugitive, and "a special court of inquiry" was to be held, and a grand jury summoned thereto, charged with the duty of inquiring whether the fugitive had committed the crime of murder; and, on the finding of a true bill, the judge was to order a surrender of the fugitive to the Spanish government. In the memoranda accompanying this project of the convention Mr. Jefferson gives his reason why the government of the United States at that date was unwilling to provide for the delivery of others than persons charged with the crime of murder. And this delivery, it is seen, was to be surrounded with all the guards of a preliminary judicial inquiry. It is needless to add that no such convention as he projected was ever formed between our government and that of Spain on this subject, and we have adverted to it only for the sake of ascertaining at the threshold of this inquiry the principles on which the extradition of alleged criminals was based by our government.

In the 27th article of the treaty negotiated by John Jay with the government of Great Britain in the year 1794, the same principles were solemnly recognized. The article reads as follows :

"It is further agreed that his Majesty and the United States, on mutual requisitions by them respectively, or by their respective ministers, or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other : *Provided*, That this shall only be done on such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive."

Under this article of Jay's treaty, one Thomas Nash, alias Jonathan Robbins, was delivered to the British authorities by Judge Thomas Bee, district judge of the United States, in the year 1799. The transaction caused much excitement at the time, as Nash represented himself to be a native-born citizen of Connecticut, and the case has been frequently reviewed in Congress and in the public press of the country. The correspondence and proceedings had in the case may be seen in the "American State Papers, Foreign Relations," v ol. 2, pp. 284, 285.

In the year 1797, one William Jones, a Spanish subject residing in the State of Georgia, and owning slaves therein, went into Florida, then belonging to Spain, and, with the aid of some citizens of Georgia, forcibly abducted certain of his slaves who had fled into that province. This invasion and violation of the sovereign territorial rights of Spain naturally irritated the government of that country, which made strong representations on the subject to President Washington; and the question, whether it would be right to deliver up this criminal for punishment, having been referred to the Attorney General of the United States, the Honorable Charles Lee, that officer held that, though the case was an aggravated one, the Executive had no power to surrender Jones in the absence of a law regulating and authorizing such surrender. He held :

"If a demand were formally made that William Jones, a subject and fugitive from justice, or any of our own citizens, heinous offenders within the dominion of Spain, should be delivered to their government for trial and punishment, the United States are in duty bound to comply; yet, having omitted to make a law directing the mode of proceeding, I know not how, according to the present system, a delivery of such offender could be effected. To refuse or neglect to comply with such a demand, may, under certain circumstances, afford to

the foreign nation just cause for war, who may not be satisfied with the excuse that we are not able to take and deliver up the offenders to them. This defect appears to me to require a particular law."

In the year 1821 Daniel Sullivan, a British subject and master of a British schooner, aided by six accomplices, likewise British subjects, ran away with the vessel into a port of the State of Maine, where she was seized by an officer for having entered in violation of our laws. The British government thereupon demanded that the vessel and cargo should be restored to their lawful owner, and that the British subjects who had committed the offence in question should be delivered up for trial. On this state of facts Mr. Attorney General Wirt, in a most able and elaborate opinion, held that the ship and cargo should be restored, but that, in the absence of treaty stipulations and municipal regulations, there was no power in the President to surrender the alleged conspirators who had run away with the schooner. He wrote, (1 Opinions of Attorneys General, pp. 519-521)—

"The truth seems to be, that this duty to deliver up criminals is so vague and uncertain as to the offences on which it rests, is of so imperfect a nature as an obligation, is so inconveniently encumbered in practice by the requisition that the party demanded shall have been convicted on full and judicial proof, or such proof as may be called for by the nation on whom the demand is made, and the usage to deliver or to refuse being perfectly at the option of each nation, has been so various, and consequently so uncertain in its action, that these causes combined have led to the practice of providing by treaty for *all cases* in which a nation wishes to give herself a right to call for fugitives from her justice. As instances of this, I refer you to the treaties made by Great Britain with Denmark, in 1660; with Portugal, in 1654; with the same kingdom, in 1810; with Sweden, in 1661, &c.

"In our treaty of 1794 with Great Britain, the 27th article provided for the cases in which the contracting parties agreed to bind themselves to surrender criminals, and the degree of proof which should be sufficient to impose the obligation to surrender. The two cases were *murder and forgery*, and the proof such as should be sufficient to justify an arrest according to the laws of the country in which the demand was made. This article was, by the terms of the treaty, to continue in force for twelve years only; that is to say, the parties agreed to remain bound to this mutual surrender of criminals in the two specified cases for twelve years and no longer. The twelve years have expired; and with them, in my opinion, has expired the right to make the demand even in the specified cases."

"Upon the whole, I am of the opinion that there is nothing in the law of nations, as explained by the usage and practice of the most respectable among them, which imposes on us any obligation to deliver up these persons; more especially on the very imperfect proof of their guilt, or rather the total absence of everything like judicial proof, on which the application is founded. And this conclusion, drawn from an examination of the general law and usage of nations, derives confirmation in the particular case from the expired article of the treaty with Great Britain, to which I have adverted.

"I am further of the opinion, that even if, by the laws and usage of nations, the obligation existed, and were a perfect obligation, and the proof which is offered of the guilt of the accused also satisfied the requisitions of that law, *still the President has no power to make the delivery. The Constitution, and the treaties and acts of Congress made under its authority, comprise the whole of the President's powers. Neither of these contains any provision on this subject. He has no power to arrest any one, except for the violation of our own laws. A treaty or an act of Congress might clothe him with the power to arrest and deliver up fugitive criminals from abroad; and it is perhaps to be desired that such a power existed, to be exercised or not at his discretion; for, although not bound to deliver up such persons, it might very often be expedient to do it. There could certainly be no objection to the exercise of such power in a case like the present. It would violate no claim which these fugitives have on us.*"

In the year 1831 Attorney General Taney, the present Chief Justice, was called to express an opinion whether the President of the United States could return to Holland for trial a person alleged to have stolen some diamonds of the Princes of Orange. He gave it as his opinion that, in the absence of a treaty stipulation, the President "would not be justified in directing the surrender of the persons." (2 Opinions of Attorneys General, p. 452.)

To the same effect Attorney General Taney wrote as follows, it was alleged, under date of April 16, 1833, in respect to an application of the King of Portugal for the delivery of two seamen who had committed the crime of piracy— (2 Opinions of Attorneys General, p. 559:)

"There is no law of Congress which authorizes the President to deliver up any one found in the United States who is charged with having committed a crime against a foreign nation; and we have no treaty stipulations with Portugal for the delivery of offenders. In such a state of things it has always been held that the President possesses no authority to deliver up the offender."

In the year 1841, while Mr. Seward, the present Secretary of State, was governor of the State of New York, he addressed a communication to Daniel Webster, then Secretary of State under President Tyler, inquiring whether it was lawful for him, as governor of New York, to surrender one Dewit, a fugitive from justice, demanded of him by the governor general of Canada. The question being referred by Mr. Webster to the office of the Attorney General, Mr. Legaré held as follows—(3 Opinions of Attorneys General, p. 661:)

"I think, from the whole argument of the bench in the case of *Holmes vs. Jennison*, 14 Peters, 540, we may consider it as law, first, that no State can, without the consent of Congress, enter into any agreement or compact, express or implied, to deliver up fugitives from justice from a foreign state who may be found within its limits; second, that according to the practice of the executive department, as appears from the official correspondence both of Mr. Jefferson and Mr. Clay, your predecessors in office, *the President is not considered as authorized, in the absence of any express provision by treaty, to order the delivering up of fugitives from justice.* In the absence, therefore, of such treaty stipulations, I am of opinion that it is necessary to refer the whole matter to Congress, and submit to its wisdom the propriety of passing an act to authorize such of the States as may choose to make arrangements with the government of Canada, or any other foreign state, for the mutual extradition of fugitives, to enact laws to that effect, or acts approving such laws as may already have been passed in the several States to that effect.

"Whatever I may think of the power of the federal Executive in the premises, were this a new question, I consider the rules laid down by Mr. Jefferson, and sanctioned after the lapse of upwards of thirty years by another administration, *as too solemnly settled to be now departed from.*"

In the year 1853, Mr. Attorney General Caleb Cushing reaffirmed the doctrine of our government on the subject. He wrote under date of August 19, in that year—(6 Opinions of Attorneys General, p. 86:)

"It is the settled political doctrine of the United States, that, independently of special compact, no State is bound to deliver up fugitives from the justice of another State. (See the authorities collected in *Wheaton's Elements*, p. 172.)

"It is true, any State may, in its discretion, do this as a matter of international comity towards the foreign state; but all such discretion is of inconvenient exercise in a constitutional republic, organized as is the federal Union; and accordingly it is the received policy of this government to refuse to grant extradition except in virtue of express stipulations to that effect."

It will thus be seen that the line of legal tradition on this subject in our country is as unbroken as it is express. And if we turn to the institutes of the law as held in Great Britain, we shall find that the same maxims obtain. We need but refer to a single occasion when they were formally enunciated in the British Parliament with all the authority attaching to the highest law officer of the realm, and the occasion was one which makes these declarations especially interesting to American readers.

The ship *Creole* was sailing with a cargo of one hundred and thirty-eight slaves from one slaveholding port of the United States to another slaveholding port. In the course of the voyage the slaves rose upon the captain and crew, seized the vessel, and took her into the port of Nassau, in the Bahamas. In the act of her seizure by the slaves a scuffle occurred, in which the master of the slaves was killed. Upon their arrival in the Bahamas one hundred and twenty of the slaves were landed and liberated, and the remaining eighteen, engaged in the capture of the vessel, were taken into custody on the charge partly of murder and partly of piracy.

The question therefore arose, whether these slaves could be lawfully held in custody by the British authorities in the Bahamas for the crime thus alleged against them; and whether, in answer to a demand of the government of the United States, they could be rightfully given up for trial in this country. Upon

these questions Lord Brougham held the following language in the House of Lords on the 3d of February, 1842:

"He ventured to state, that, by the law of this country, no person, whether he were a British subject returning from abroad, or an alien coming to our shores, no person charged with having committed an offence out of the jurisdiction of Great Britain could be seized, or detained, or given up to any foreign government whatever, which might demand to have him given up, in respect to the offence with which he was charged. For example, if an Englishman in France were to commit a felony—say even a murder—and return to this country, or if a Frenchman in France were to commit a murder and escape to this country, the French government might in vain demand of the English government to have the alleged murderer given up for the purpose of being tried for his offence in France. There had at different times, no doubt, been treaties between this country and France, and at one time there was a treaty between this country and the United States of America, for the mutual surrender by each government, on the requisition of the other, of persons charged (according to the American treaty of 1795) with the two offences of murder and forgery; and (according to the treaty of 1802 with France) of persons charged with the three offences of murder, forgery, and fraudulent bankruptcy. But before those treaties could be carried into effect in this country it was necessary to pass especial acts of Parliament, to enable the government to perform the obligation which it had incurred by the treaties; and accordingly the 37th George 3d gave the powers required for executing the treaty with America, and the 42d George 3d, commonly called the alien act, not satisfied with the general powers of the alien act, had a clause referring to the French treaty, and arming the government with the power to arrest, detain, and surrender parties. He hoped that their lordships would excuse his entering into these particulars, on account of the great importance of the question. There was no lawyer who could entertain any doubt upon the subject. It was clear that the surrender of any of the slaves, or even of any of the persons charged with the felony, the alleged murder having been committed beyond the territory of Great Britain, would be utterly without warrant, and, by the law of this country, could not possibly be accomplished, even if the government were disposed to do it. A doubt may possibly arise as to whether the act committed on board the *Creole* might not be piracy. The facts as stated did not appear to constitute piracy. If there were any who considered that a doubtful or debatable point, then he apprehended that the true course of proceeding would be to put the matter into a course of investigation—to have a judicial inquiry, so that all the facts and circumstances might be fully ascertained, and that the legal import of those facts might be determined. But even if the circumstances connected with the seizure of the *Creole* amounted to piracy, it did not follow that those who had been guilty of it should be given up by the government of England to the government of any other country. If the facts amounted to piracy the parties, though aliens, were triable in our courts. If any doubt lingered in his mind, it was as to the right of delivering up aliens charged with piracy; and if any persons held that such a power of surrender existed, the question might be put in a course of judicial investigation. He would fain hope that this accidental occurrence of the capture and bringing into port of the *Creole*, when rightly understood in America, would have no effect in delaying the successful accomplishment of that most important mission upon which his noble friend opposite (Lord Ashburton) was about to proceed—greatly to the advantage of the negotiations, greatly to the benefit of the two countries, which had a high and an equal interest in perpetuating the friendly relations so essential to the prosperity of both, and greatly to his own honor, in having undertaken, in the circumstances of the case, this most important service."

On the 14th of the same month Lord Brougham referred to the subject in the following terms. We quote from Hansard's Report of the Parliamentary Debates, volume 60 of the third series:

"What right existed, under the municipal law of this country, to seize and deliver up criminals taking refuge there? What right had the government to detain, still less to deliver them up? Whatever right one nation had against another nation—even by treaty, which would give the strongest right—there was, by the municipal law of the nation, no power to execute the obligation of the treaty. If such a treaty existed between any two countries, say between America and this country, and no act of Parliament had passed enabling the government in either country to perform its conditions, that treaty became utterly unavailable, because the law of the land prevented the possibility of its being executed. Suppose it was clear, and no doubt existed that a treaty were in force binding on the two parties, (and such an obligation would be much more clear than any that could be pretended under the general law of nations, the common international law,) and suppose either party had omitted to take power from its own legislature to carry the treaty into execution, the mere existence of the treaty would not enable that power to carry the treaty into effect. The treaty would be a dead letter if the municipal law of that country did not authorize the fulfilment of its provisions. It was necessary to say so much, because he thought some of those who had argued the subject, particularly in America, had not kept the two questions of international

law and of municipal law sufficiently apart. It was necessary that a municipal law for detaining and giving up criminals should exist, as well as the law of nations. Such a municipal law did not exist in this country. There was no power by our municipal law to seize, still less to surrender, any person having committed an offence, however grave that offence might be, within the jurisdiction or limits of any other country; whether he were an alien or not, there was no power to give him up until the legislature of this country should arm the government with a power to do so. He had on the first night of the session referred to two cases, the acts of 1797 and 1802, passed for the purpose of arming the government with the power of performing their obligations contracted by Mr. Jay's treaty and the treaty of Amiens, and without which acts it would have been impossible to have performed those obligations. He had stated that the only doubt in his mind with regard to the case of the *Creole* arose from the suggestion that a piratical offence had been committed. No doubt the case of piracy was in two particulars different from the general law respecting charges against aliens for crimes committed beyond the jurisdiction of the country; for whereas in any other case they had no power to seize or detain, yet in a case of piracy, although the party was an alien, they had power to seize and detain. That was one particular in which a difference existed; but another particular was the power of trying the alien pirate, and therefore he had no doubt that, even in the case of piracy, we had not, and ought not to have, the power to deliver up, because where the offence was piracy we had not only the power of seizing and detaining the person, but we could send him to his trial; so that here was no deficient jurisdiction, and no fear that the criminal would go unpunished, whilst in the case of a murder alleged to have been committed by an alien in a foreign country there was no power either of arresting or of bringing him to trial. It was impossible to deny, and he did not deny, that this was a state of law which ought not to continue. He thought it highly expedient—he thought the interests of justice required, and the rights of good neighborhood required—that in two countries bordering on one another, as the United States, Canada, and even that in England and in the European countries of France, Holland and Belgium, there ought to be laws on both sides giving power, under due regulations and safeguards, to each government to secure persons who have committed offences in the territory of one and taken refuge in the territory of the other. He could hardly imagine how nations could maintain the relationship which ought to exist between one civilized country and another without some such power; at present, however, such a power did not exist in this country; so that the whole territory of one country became an asylum for fugitives from justice in another. But as to the laws now in force there could be no doubt. Such a proceeding as seizing and detaining, much more of delivering up fugitives, was wholly illegal."

The Earl of Aberdeen, who was then the British secretary of state for foreign affairs, expressed his concurrence in the views of Lord Brougham as follows:

"As their lordships might well imagine, her Majesty's government had given the question their most serious and anxious attention; and after taking advantage of all the assistance which they thought desirable on the subject, they had satisfied themselves that by the laws of this country there is no machinery or authority for bringing those persons to trial for mutiny and murder, still less for delivering them up or detaining them in custody. His noble friend, the secretary of state for the colonial department, had therefore sent out instructions for releasing those persons who had hitherto been detained."

Lord Denman, the lord chief justice of England at the same time, spoke as follows:

"He believed that all Westminster Hall, including the judicial bench, were unanimous in holding the opinion expressed by the noble earl, and that in this country there was no right of delivering up, indeed no means of securing, persons accused of crimes committed in foreign countries. The matter was under discussion frequently when the alien bill had been year after year before the House of Commons, and the lawyers of all parties had come to the same conclusion.

"Nor were these opinions confined to the lawyers of Europe. Great lawyers of America—men distinguished by their profound erudition, whose decisions are so highly respected among us, and whose valuable works on great legal questions are studied and consulted in this country with the highest advantage—held the same doctrine. Indeed, Chancellor Kent, in his *Commentaries on American Law*, (1836,) appears to incline to the opinion of Grotius and Vattel, against that of other eminent jurists, that persons accused of crimes ought to be delivered up to the country where they are accused, and one case appears to have been decided by himself when he held his office in conformity with that doctrine. But it may be remarked that the peculiar constitution of a federal government, comprehending many States with various laws, renders any decision, however respectable, of less extensive application, at least till all the particular provisions existing when it was made are fully canvassed. But Justice Story, in his more recent edition of *The Conflict of Laws*, (1841,) concludes a discussion on this subject by citing the passage from Lord Coke, adding, in terms, one chief

justice in America has adhered to the same doctrine in a very elaborate judgment; that the reasoning of another chief justice, in a leading case, leads to the same conclusion; and that it stands indirectly confirmed by a majority of the judges of the Supreme Court of the United States in a very recent case of the deepest interest.

"Therefore, although distinguished jurists may feel a desire for some arrangement for the surrender of foreign criminals, it would seem that the municipal law of America rests on the same principles as our own, which, as he had already stated, recognized no right and provided no machinery by which the subjects of another state seeking refuge here could be given up to the country to which they belonged. He had, therefore, come prepared respectfully to warn secretaries of state, if it had not been rendered unnecessary by what had passed, that they could not seize or detain aliens seeking refuge here without subjecting themselves to actions for damages for false imprisonment, and without further incurring the risk of a still heavier and more awful responsibility; for if a man attempted to seize an alien under such authority he might resist, and if death ensued, he would be justified in inflicting it, while those who ordered his arrest and detention would be liable to be tried for murder. He agreed with his noble and learned friend that the *comity* of nations might be properly employed in considering of treaties and laws which would allow nations to seize and give up to each other their respective criminals; but this could only be done on the supposition that the laws of all nations should be reasonable and just, for no country could be justified in enforcing those laws which it believed to be founded on injustice, oppression, and cruelty. Some few great criminals had possibly been given up without notice; but he believed that the United States of America had refused to give up an English subject charged with forgery, because they disapproved of the punishment of death for that crime; and until the internal law of all countries was such that each would have no objection to adopt it, he feared that this desirable object could not be accomplished. He indulged a hope that those distinguished persons, the judges and jurists in America, who had been referred to, would, in common with those of other countries, apply their minds to these considerations."

Lord Campbell held the following language on the subject:

"He said that after the statement of their opinions by his two noble and learned friends, he should not have felt it necessary to address their lordships if it had not been asserted, and widely circulated, that he had, when attorney general, advised that men similarly circumstanced should be sent home for trial. Nothing could be more contrary to the fact than such a statement. He had never given any opinion of the kind. On the contrary, he had held that, by the law of nations, no state had a right to demand from another the surrender of any of its subjects; and that in the case of England, the municipal law did not authorize or enable the executive to comply with any such demand. He agreed with the lord chief justice that it might be very convenient to have treaties under which persons accused of murder and other high crimes should be surrendered, but such treaties would not justify the demand being acted on until the municipal law provides the means for carrying the treaties into execution. Without an act of Parliament there was no authority for giving up a refugee to any foreign state."

The Lord Chancellor spoke as follows at the close of the debate:

"He apprehended that he was the only law lord in the house who had not yet given his opinion. He had been consulted upon the question, as well as the attorney and solicitor general, and without pretending to state the terms in which their opinion had been given, he might say that it fully agreed with what had been advanced by noble and learned lords who had already spoken. He did not think that a second opinion could be entertained."

It will thus be seen that, according to the universally received maxims of law as held in the United States and Great Britain, the executive authority is not authorized, in the absence of treaty stipulations and of municipal legislation carrying them into effect, to arrest and deliver up fugitives from justice. Hence the origin and purpose of the 10th article in the treaty of Washington, negotiated between the United States and Great Britain, in the year 1842, by Mr. Webster and Lord Ashburton, providing for the extradition of persons charged with certain specified crimes. The treaty, under this head, ordained that "the respective judges and other magistrates of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive, that he may be brought before such judges or other magistrates to the end *that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge*, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive."

The treaty, it will be seen, contemplated a judicial inquiry preliminary to every act of surrender. And an act of Parliament was passed in the year 1843, (6 and 7 Victoria, chap. 76,) to carry this part of the treaty into effect. How important, we should say how *indispensable*, such municipal legislation is to effectuate stipulations for the extradition of fugitives from justice, was illustrated by a notable case in our judicial records, a case which led to the enactment of corresponding laws in our own country for the regulation of this whole matter as covered by treaty engagements, and extending the exercise of such authority in all cases not covered by treaty.

An extradition treaty was concluded between the United States and France in the year 1843. Under this treaty, in the year 1847, the French minister to this country demanded the arrest and surrender of one Nicholas Lucien Metzger, and a mandate to that effect was issued from the State Department, signed by President Polk, and countersigned by Mr. Buchanan, as Secretary of State. The fugitive was arrested, and while on his way to a French frigate then lying in the harbor of New York, a writ of *habeas corpus* was sued out, returnable before Edmonds, circuit judge. The case was twice elaborately argued before the judge by the honorable B. F. Butler, United States district attorney for the government, and with him were associated Mr. F. B. Cutting and Mr. F. Tillou, as counsel for the French minister, and by Mr. Ogden Hoffman and Mr. N. B. Blunt for the prisoner. The prisoner was discharged, and mainly on the ground that, being a resident of this State, he was a "member" of it within the meaning of our Constitution; that, as such, *he could not be deprived of his liberty without a resort to courts of justice*; that, though the treaty with France contained an extradition clause, yet *Congress had never passed a law authorizing the courts to enforce it*, and as without such law the courts could have no jurisdiction in the matter, there could be no judicial determination of the question of arrest and surrender; that such determination could not be made by the executive department alone, and that therefore the mandate of the President was void.

The prisoner was accordingly ordered by Judge Edmonds to be discharged. The French minister was much dissatisfied with the result—so much so that our government directed a writ of error to be brought, in order to take the case to the Supreme Court of the United States. At the ensuing session of Congress the subject was laid before the Senate, by whom it was referred to the Judiciary Committee, on which were Daniel Webster, Robert J. Walker, and Wm. L. Dayton, our present minister to France. Their examination convinced them that the decision was right; the writ of error was abandoned, and Congress passed a law supplying the defect complained of, and providing for the action of the judiciary in such cases. That law was as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which there now exists, or hereafter may exist, any treaty or convention for extradition between the government of the United States and any foreign government, it shall and may be lawful for any of the justices of the Supreme Court or judges of the several district courts of the United States, and the judges of the several State courts, the commissioners authorized so to do by any of the courts of the United States, are hereby severally vested with power, jurisdiction, and authority, upon complaint, made under oath or affirmation, charging any person found within the limits of any State, district, or territory with having committed within the jurisdiction of any such foreign government any of the crimes enumerated or provided for by any such treaty or convention, to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or commissioner, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient by him to sustain the charge under the provisions of the proper treaty or convention, it shall be his duty to certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue, upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of said treaty or convention; and it shall be the duty of the said judge or commissioner to issue his warrant

for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made."

"And be it further enacted, That this act shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer."

In the light of this historical review, and especially in the immediate presence of the statute of our Congress, we can clearly read this law and usage of the United States on this subject. To compass the extradition of a fugitive from justice there must be a treaty stipulation, enforced by corresponding municipal legislation; and it is expressly declared by the Congress, in the 5th section of the above-cited act, that such municipal legislation taken shall "continue in force only during the existence of any treaty of extradition with any foreign government." If, even under a treaty of extradition, a criminal cannot be given up without the co-operation of our statutes, what shall be said of the arrest and surrender of a criminal without the authority either of treaty stipulation or of municipal law?

We have seen that the Cuban authorities and the minister of Spain did not ask the delivery of Arguelles as a matter of right, but only as a matter of grace, in the interest of humanity. It may be interesting to know how far the government of Spain was entitled to expect that our government would act on this principle, even supposing it had the right to do so.

A recent transaction between the two governments, recorded in the diplomatic correspondence of Mr. Seward, as transmitted to Congress at the opening of the present session, affords an illustration of the principles and precedents which have been heretofore understood to govern the right of asylum and the conditions on which the extradition of alleged criminals may be claimed by one government and granted by another. As this case was fresh in the minds of the Spanish authorities when they reclaimed Colonel Arguelles, and in the memory of the administration when it yielded to their request, we may recite the circumstances under which it arose, using for this purpose the words of the government when giving an account of the transaction—(Papers relating to Foreign Affairs, 1863, vol. 2, p. 994 :)

"In the month of September, 1862, the city of New Orleans had been reclaimed by the naval and military forces of the United States from insurrectionary occupation, and was then held as a military position, in an actual state of civil war. The blockade regulations of the port were relaxed so far as to admit trade under military regulations. Three Spanish vessels-of-war, in conformity with the liberal practice which the United States had adopted towards all the maritime powers, were admitted into the port of New Orleans without question. The city was then in a condition of great distress, and permission was freely given by the authorities of the United States to any foreign government which should ask it, to receive and remove any of their suffering countrymen who were not compromised in the insurrection. A number of such persons went on board of the three Spanish vessels with passes from the military authorities, such passes being given to all unoffending persons who applied for them. The commander of the *Blasco de Garay*, being also in command of the other two vessels, not content with giving passages to persons of the class before mentioned, went further, and knowingly and without consulting with the military commander of the port, received on board and conveyed away eighty native citizens of the United States who had been compromised in the insurrection, and this in violation of known and well-understood military regulations, which forbade any person without a pass to leave the city. On the 25th day of October the major general commanding called the attention of the captain of the *Blasco de Garay* to this subject, and then asked to be informed of the names of the passengers, not belonging to the government service of Spain, whom he had taken in his ship, on the voyage before mentioned, to Havana, and especially to state whether one Mr. Roberts, of New Orleans, was a passenger. The commander of the *Blasco de Garay* declined to comply with this request."

The case as thus represented was at this stage submitted by Mr. Seward to the government of Spain, with an expression of the hope that it would receive "the prompt attention of her Catholic Majesty's minister at Washington." Thus addressed on the subject, M. Tassara, the Spanish minister, referred the matter to the government of her Catholic Majesty at Madrid, requesting at the same time reports from the captain general of Cuba and from the Spanish consul at New Orleans. The decision of the Spanish government in the prem-

ises was announced by the Marquis de Miraflores, the present minister of state in Spain, as follows :

"The right to give asylum to political refugees is in such manner rooted in the habits, in such sort interwoven with the ideas of tolerance of the present century, and has such frequent generous and beneficent applications in the extraordinary and ensanguined political contests of the times we live in, that there is no nation in the world which dares to deny this right, and, moreover, not any one that can renounce its exercise. What would become of the most eminent men of our days if, in the political tempests in which success may be against them, they could not protect themselves beneath the inviolable mantle of foreign hospitality, offering to them haply a friendly country, where they may breathe tranquil and safe; haply a shelter whose thresholds their pursuers cannot overstep, or haply, in fine, the shadow of a national flag floating in a port? In such cases it can be said that the flag which shields them is not merely the ensign of a foreign nation, but rather the banner of humanity and civilization, under whose ample folds all those can be received who are pursued because they are enemies, rather than because they are criminals. We are empowered, therefore, and we ought to give asylum on board our vessels-of-war in the United States to political refugees. *The limitation of asylum lies in the offence. Asylum ought not to serve to give impunity to those guilty of ordinary crimes; that would be to encourage crime, and no civilized nation may do that.* But it may be said that it is not easy for the commander of a ship-of-war to know whether the man who presents himself on board, asking for asylum, is or not guilty of ordinary crimes. In such cases the commander should require his word of honor that he has not committed such offences. But should he give that, and afterwards turn out that he has lied, there could be no difficulty in handing over to the authorities a man who to former offences had added that of the abuse of good faith, in being wanting to his parole. *And if the government of Washington wishes to acquire a perfect and positive right to the delivery to them of those guilty of ordinary crimes, it will be enabled to do so by means of a treaty of extradition, to the conclusion of which the Spanish government would not oppose itself, as it has not refused to conclude such with other states.*"

It will thus be seen that the Spanish government sustained the proceedings of the commander of the *Blasco de Garay*, who declined even to give the names of the passengers whom he had taken in his ship. Our government was simply informed that if it desired to reclaim ordinary criminals it could acquire "a perfect and positive right to do so" by concluding an extradition treaty, and that in the absence of such a treaty it would give no heed to our reclamations.

It remains for us, at the close of these historical citations, to sum up the logical conclusions suggested by the principles and precedents thus passed in review.

From the history we have given it appears that while the obligation of nations not to grant asylum to criminals, but to deliver them up for trial, receives the general assent of civilized nations, it is one subject to too many limitations and modifications. It is a duty of "imperfect obligation," so called, like those interwoven with the private life of individuals, and the neglect of which destroys the reputation of the man without rendering him amenable for violating the law. It is a duty resting upon the conscience of the nation, to be discharged under such circumstances, in such cases, and in such manner, as in the judgment of the nation, expressed through the constituted authorities, may seem best adapted to subserve the cause of virtue and the interests of humanity.

In some political systems the monarch is the authority who at once determines the question and executes the judgment; but in those countries where the principles of constitutional government obtain—in other words, where the rights of the person are recognized—the maxims of law limit the otherwise absolute power of the executive authority, and in performing their obligations to the human race, the legislature, in such countries, is careful not to overlook their obligations to the individual. Thus in Great Britain, as we have seen, while the sovereign may make treaties, he cannot fulfil a treaty binding him to surrender fugitive criminals without the express sanction of that part of the government which is charged with the guardianship of the life and liberty of the individual. He may make war or conclude peace without the consent of Parliament; but without its consent he cannot deprive the humblest individual of liberty, though that individual be charged with the deepest crimes.

In our own political system we find the same careful process for reaching the ends of justice. The treaty-making power determines what offences the nation will lend its aid to punish, and into what hands it is willing to deliver offenders for punishment. The tenth article of the treaty of Washington, concluded between the United States and Great Britain on this subject, shows, by the catalogue of crimes it embraces, that we are willing to trust the enlightened criminal jurisprudence of England in a wider class of offences than we would remand to some other countries whose creeds are less conformed to the humane spirit of the age. When the treaty-making power has ascertained the extent of the obligation of surrender, and assumed the corresponding duty, the legislative power comes forward to provide for the fulfilment of that duty; and in so doing Congress has thought proper to omit none of those safeguards which have been found essential to protect the accused against baseless charges, and which, necessary as they are in cases where the accused is to be tried in the jurisdiction where he is found, are doubly and trebly necessary where the charges are put forward, not for trial here, but as the means of obtaining possession of the accused and carrying him abroad.

It is not improbable that factitious accusations should be brought for the mere purpose of procuring the arrest and surrender of a fugitive. Hence it is that the careful provisions of the statute, regulating extradition in this country, commit to the judiciary—versed as that department already is in all the proceedings preparatory to a trial—the duty of arresting the fugitive and of ascertaining whether in fact a crime has been committed, and whether there is sufficient evidence to hold the accused for trial. When these questions have been settled by the judiciary, and not till then, does the nation consent to deny the right of asylum to the fugitive who has sought its protection and deliver him into the hands of the alien prosecutor.

It is needless to add that in the case of Arguelles the Executive has assumed all the authority which by the Constitution is distributed among the treaty-making power, the law-making power, and the judiciary. Without treaty, without law, and without judicial action, the Executive has assumed to do what only all three combined could lawfully empower him to do.

And in making this statement as a proposition of law, we indulge in no personal crimination of the President's motives. As he makes no legal defence of his conduct, but bases that defence on his good intentions, we make all due allowance for such good intentions while bringing his proceedings to the bar of the law he has transcended. It is one of the inconveniences which attach to such errors of judgment, and which illustrate their practical dangers, that all punishments visited on criminals outside of the laws array a certain sympathy in favor of the culprit, however guilty he may be. Colonel Arguelles may be the criminal he is represented to be by the Cuban authorities, but as these authorities are now seized of his person in a way not authorized by our laws, the penalty he may be called to pay for his alleged crime is one which concerns the honor of the nation in the eyes of the civilized world. It is to be hoped, for the sake of our own credit on the score of humanity, that the proceedings of Spanish jurisprudence in his case may be such as to show that only justice has been done him in the forum to which we have remitted him, even if something less than justice, as justice is understood in this country, has been done him by our authorities in the circumstances under which they have delivered him up for trial. The civilized world sits in judgment not only on the crimes of men, but on the processes by which these crimes are redressed; and when justice is inflicted against the received rules of justice, men never fail to resent the wrong done to the latter, whatever may be their abhorrence at the wickedness of the criminal. It was thus that all Europe thrilled with indignation and horror at the conduct of the King of Saxony, when, in the early part of the 18th century, he delivered up the person of the unhappy Patkul to the vengeance of his

sovereign, Charles XIIth, of Sweden, who broke him on the wheel. Men refused to consider the provocations which that nobleman had offered to his king, or the offences he had committed against his country, in their resentment at the wrong done to the "right of asylum" in his person. And so, whatever may be the crimes of Colonel Arguelles, (about which we know nothing personally, as the President of the United States knows nothing legally,) the civilized world, in its respect for the principles of public law and private right violated by his clandestine arrest and deportation, will not hesitate to deplore the process by which this Spanish subject has been brought to justice.

[Translation.]

Sentence in the criminal cause prosecuted in this supreme court against Don José Agustín Arguelles, formerly lieutenant governor of the district of Colon; D. Antonio Pratts, local judge of Palmillas; D. José Toral, lieutenant in the municipal guard; D. José Palma, deputy captain at Macaquá; D. Manuel Azuela, who filled the like grade at Yaguaramos; D. Mariano Aguirre, secretary of the lieutenantancy of the governorship of Colon; D. José Hilario Valdez, parish curate at the same point; D. Luis Arias, deputy lieutenant at Palmillas; D. Saturnino Santurio, lieutenant, municipal alcalde of Colon; D. Manuel Martieres, commissary of police of the same settlement; D. Matias Gispert, professor of medicine and secretary of the board of health; D. Eugenio Aroiaza, advocate and prefect of the municipality; D. Maximiliano Molino, secretary thereof; and D. Antonio Zucarriche, for stealing some Bozal negroes, apprehended as belonging to a shipment captured within the judicial district of Colon and Cienfuegos, and for falsifications committed to hinder the discovery of this crime.

It appearing in regard to the proceeding that the suit was instituted by this court for ascertaining who were the persons responsible for an introduction of Dozal negroes, effected within the jurisdictions referred to, in the month of November, 1863, and that the individuals aforesaid, subject to this proceeding, were comprehended therein for the culpability which might attach to them from the subtraction of a considerable portion of the captured negroes, for the sale of same, and for the falsifications practiced to cover up these crimes; and that the summary inquiry being ended, and conclusion reached that the stealing and falsifications are criminal acts, entirely distinct from the introduction of African negroes, inasmuch as they constitute ordinary crimes, which in this case were perpetrated through an abuse of the administrative authority which was exercised by D. José Agustín Arguelles. Separate action was instituted for that investigation, and report was made to the supreme court of justice, which, by directions dated the 25th April last and 12th August ordered that certifications of progress should be periodically rendered to it.

[The continuance of this document, in brief, shows the devices resorted to by the accused to evade the administration of the laws bearing on the offence of stealing negroes, and making falsified returns to government of the Bozals landed, and then captured by order of Arguelles. The negroes were landed, brought into the jurisdiction and the safeguards of the law. Pratts reports that on November 12, 1863, he took what were reported as 1,009. Arguelles reported fewer, and that many had died, and several missing. Other reckonings made 1,008, and various other numbers. Investigation being had, it was proven that more than 100 had been sold as slaves, among them 11 to Onagdren, 7 to Requó, 1 to Capote, 5 to Percy, 4 to Criade, 9 to Medens, 2 to Lama, 1 to Castellanos, 1 to Escobar, 21 to Pedro, 42 to Fovente, 1 to Escobedo. That Arguelles gave in pay and compensation of service 12 to Santurio, 1 to Roque, 1 to Arriagh, 1 to Granado, 1 to Diez, 2 to Font, 1 to Tejada, 1 to Cadero, 1 to Lamdem, 8 to a sister of Pratts's. This number recovered, being

126, purchases of most of these were shown to have been made from Arguelles at nearly \$1,000 per head; he claiming to have been authorized to sell them, and also authorized to give many away in compensation of service and loyalty in capturing the imported *Bozals*. All the details of fraud and falsehood are developed—*Arguelles, convicted of stealing negroes, (Bozals,) and of false and fraudulent reports to his superior authority to conceal his crimes, aggravated by the fact that he held high official trust, was sentenced to 19 years (de cadena) at the chain, and \$50,000 fine, interdiction of civil rights during the time, and perpetual inability for place of trust, honor, or profit, or political rights, and constant surveillance by the authority until restitution to some of the parties (those he sold to under pretence of authority to do so) of the sums paid by them to him. Valdez, to 8 years in prison, lasting inhabilitacion and payment of costs; Pratts, Toral, Aguirre, and Palmer, to 6 years each (in presidio;) Aria, 2 years; Molino, 5 years in prison; and all six to make restitution to those who had bought from them, and for the damages they had suffered in consequence; Santurio, 7 years in prison; Gispert and Arriaza, 4 years each, to make restitution like the former, and pay costs; Arguelles and Valdez also to make restitution and pay the proportion of costs and charges, notwithstanding their civil inhabilitation.*

Zucarriche and Azuela were acquitted, and Martinez subjected to some small conditions.

Sentence passed, Habana, April 3, 1865.]

Mr. Seward to Mr. Koerner.

No. 109.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: I have especial satisfaction in acknowledging the receipt of your despatch of the 3d of June, No. 101. It was written, indeed, before the Spanish government had received direct and full information from its agents in Peru. Nevertheless, your account of the demonstrations which that government has made concerning the unhappy difficulties at Lima seems to authorize an expectation that these difficulties will be adjusted in a way that shall be at once peaceful and consistent with the safety, honor, and welfare of both countries. I find no occasion at present to enlarge my instructions heretofore given.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c.,
Madrid.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 106.]

LEGATION OF THE UNITED STATES,
Madrid, June 27, 1864.

SIR: On the 20th of this month there were ratified by the Queen two treaties of recognition, peace and friendship made some time in 1863; one with the perpetual president of Guatemala, and the other with the Argentine Republic.

On the 24th of June the ministers of both those republics were received in audience by the Queen. At the same time the minister of Nicaragua, Señor de Marcoleta, presented his credentials; a treaty of recognition, peace and friendship having existed between Spain and that republic for some time previous.

I enclose the treaties and reception speeches. Whether these ratifications and receptions were purely accidental, or whether they were made to take place just at this juncture, with a view to show cordial relations with some of the Spanish American republics, and to quiet certain apprehensions which have necessarily arisen on account of the Peruvian troubles, I am not able to decide positively. But the latter alternative seems probable enough. I believe none of the ministers of these republics will remain here. They are or have been for some time accredited at Paris and other courts to which they will return.

Despatch No. 96 is still missing. Since I acknowledged receipt of your despatches 98, 99, 100 and 101, I have received 102, 103 and 104.

In regard to the treaty for the settlement of the limits of the maritime jurisdiction of Spain, in the waters of Cuba, I had heretofore confined myself to a bare statement to Mr. Pacheco, that it does not appear that Mr. Tassara had received instructions to sign it.

He said he only recollected that there had been some such question, but he said he would look into it. I have since ascertained from the chief of the bureau to which the relations with the United States belong, that no instructions had been sent by the Marquis of Miraflores. I judge from your despatch 102 that you do not wish me to urge the matter.

I have the honor to be, with the highest respect, sir, your obedient servant,
GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Koerner to Mr. Seward.

No. 107.]

LEGATION OF THE UNITED STATES,
Madrid, June 28, 1864.

SIR: Some days ago Mr. Moreira, the consul of Peru at Madrid, handed me a memorandum of certain propositions made by the Spanish government to that of Peru to be transmitted by him to his government. Mr. Moreira told me at the same time of Mr. Pacheco's having informed him that I would be furnished with a copy of the memorandum for communication to my government. I have not yet received it, but have ascertained that such a copy has been ordered to be made, and to be sent to me, but, owing to the customary delay in the different bureaux here, it has not yet reached me. I enclose a translated copy.

I confess that those propositions do not entirely correspond with the conciliatory language held to me by Mr. Pacheco on previous occasions, nor even with his speech in the Cortes. They are not in form, nor in substance, such as will, in my humble opinion, secure at once a peaceable settlement. They are conceived in a spirit which seems to take it for granted that Peru has committed a series of wrongs, and that the conduct of Spain, or rather her agents, is wholly immaculate.

It appears right enough for Spain to demand that Peru should disavow its complicity with the alleged attempts on Mr. Salazar's life, and that this avowal should precede all further negotiations; but whether the Spanish government may insist that this should be done by a special commissioner to be sent for that express purpose to Madrid is quite a different question. It seems to me that the manner in which to make the disavowal ought to have been left to the choice of Peru.

Again, this avowal having been made, should not the *formal* reception of the Spanish commissioner (assurances of such reception being previously given by

Peru) *be preceded* by a restoration of the islands? or if Spain objects to that, should not the acts of reception and delivery be at the least simultaneous?

It seems to me, also, but right that Admiral Pinzon should be relieved from command; nor can I see any propriety in a large increase of the Spanish fleet in the Pacific, such a measure looking very much like a menace.

I have not been able to see Mr. Pacheco since I have read and examined the memorandum. I shall probably see him to-day, and I will make an effort to persuade him to make some modifications. I doubt the success of my undertaking, as the memorandum has been considered and approved by the council of ministers. But I think I ought to leave nothing untried which is proper and not calculated to offend Spanish susceptibilities, in order to prevent a serious rupture.

Mr. Pacheco's great, perhaps only defect as a statesman, according to the information given me by those who have known him long and well, is a certain pliancy and lack of firmness. I believe that he has been made to intensify his demands by some of his hot-headed colleagues in the ministry.

This being mail day, I must close by adding merely that a ministerial crisis is again threatened. The principal question which divides the ministry, and brings some of them in collision with the desire and the plans of the Queen, is whether her mother Christina, ignominiously driven out of Spain, in 1854, by the revolution of O'Donnell, should be permitted to return or not.

The minister of state will leave with the court for San Ildefonso on the 1st of July and Madrid will be quite deserted, a great many families having left town already. The Cortes were adjourned last Friday.

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

[Translated copy.]

PRIMERA SECRETARIA DE ESTADO.

1. The Peruvian government will send a diplomatic representative of note to Madrid, who will have to declare in its name, and with all solemnity, that it disavows the design of the authorities of Callao, so far as they wanted to take prisoner the secretary of the Spanish commissioner, and that those authorities (whatever they may have been) are already removed from office, and that the said government has not promoted or in any way participated in the attempts on the person of the Spanish commissioner, made by Peruvians, during his voyage from Callao to Paita, Panama, and Aspinwall, and is disposed to punish these persons.

2. The Spanish government will send a representative to Lima with the object to claim that justice be administered in the Talambo case, and with credentials equal to those which Mr. Salazar had, which commissioner is to be received by the Peruvian government.

3. Immediately upon this reception the Chincha islands will be delivered over to a commissioner nominated by the Peruvian government.

4. Peru will appoint and send to Spain a plenipotentiary in order to arrange on prudent terms, and in complete good faith, a treaty between said republic and the Spanish nation, similar to those which have been concluded with the other Spanish American republics.

J. J. PACHECO.

This is a true copy of the original transmitted to the government of Peru by the consul of said republic in Madrid.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 108.]

LEGATION OF THE UNITED STATES,
Madrid, June 29, 1864.

SIR: I succeeded in having an interview with Mr. Pacheco last evening. I expressed to him, speaking as a private individual, my doubts as to the acceptance of the propositions in their present shape, and made such suggestions to modify them as I indicated I would make in my last despatch (107.) He replied, that except the demand for a disavowal of participation in the attempts on Mr. Salazar's life, which was added to suit later events, the rest of the propositions was based upon what had been previously offered by Mr. Moreira, the Peruvian consul; and, as that gentleman had shown him instructions to negotiate, he thought he could do no less than to ask what was offered. He referred me to Mr. M. for the truth of what he said. * * *

I am, &c.,

GUSTAVUS KOERNER.

Mr. Koerner to Mr. Seward.

[Extract.]

No. 109]

LEGATION OF THE UNITED STATES,
Madrid, July 2, 1864.

SIR: I enclose you a copy of the diplomatic circular, dated June 24, 1864, directed by Mr. Pacheco to the diplomatic representatives of Spain. I presume that Mr. Tassara has placed you in possession of it ere this, as it was sent to him by last week's packet, and some five or six days before it was published here. I consider it more satisfactory than his speech in the Senate, though it labors under the same want of logic. From the premises laid down by the minister, the inevitable conclusion would have been an instantaneous order to restore the islands of Chincha. * * *

I am, &c.,

GUSTAVUS KOERNER.

Mr. Seward to Mr. Koerner.

No. 111.]

DEPARTMENT OF STATE.
Washington, July 9, 1864.

SIR: Mr. F. L. Barreda, who for some time past has been accredited as the minister of Peru to this government, has for a much longer period resided in this country; has always been known and respected as an intelligent man of business, and as an agreeable gentleman. He is familiar with our views in regard to the pending controversy between Peru and Spain. You may, consequently, rely upon his representation on that subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Koerner to Mr. Seward.

(Extract.)

No. 112.]

LEGATION OF THE UNITED STATES,

Madrid, July 11, 1864.

SIR :

Since my last despatch, (111,) I have received No. 96, together with copies of another series of documents relating to the Peruvian question. The package being quite heavy, Mr. Miller, in London, did not send it by mail, but by the Spanish courier, which will account for the delay, which, however, was of no consequence, as all these documents had been fully published in the Madrid journals long ago, and had, of course, received my most careful attention. There is no despatch missing except No. 106.

The general expectation here is that the conflict with Peru will be amicably settled, and that permanent relations between that country and Spain will be established.

The same evening that the state department received its American mail the "Epoca," a paper in the interests of the ministry, contained the following article, of which I give you a translation :

"We have to-day received despatches from the United States which are very satisfactory to Spain. The explanations given by Mr. Tassara on the real policy of the Spanish government in America, and, above all, the official knowledge of the despatch of our minister of state, dated the 24th of May, and which was received in Washington in the middle of June, have done away with all fears and all accusations made by the enemies of Spain.

"We know that the government of the United States has been the first to advise the government of Peru to give to Spain the satisfactions which are legitimate, being sure that our country would respect the independence of the American states. *The government of Washington, as well as that of Rio Janeiro, offer their good offices to disentangle these difficulties, which, however, Spain will bring to a close directly with Peru.*"

I have underscored the last lines, they being another intimation that Spain declines at least a formal mediation, which, as far as this legation is concerned, was never offered. My note to Mr. Pacheco, of the 20th of May, (four days before he issued his diplomatic circular of the 24th,) and of which I have sent you a copy, is the only document passed on the subject, and my subsequent conversations with him have never exceeded, if they have reached the terms used in that note as respects the tendering of our good offices.

Rumors of a popular rising in Madrid are still afloat. I am not able to discover any symptoms of it, nor do I think that there is at present any conjuncture of affairs in Spain which would be likely to produce violent commotions. Yet it will never do to speculate here. The character of this southern people will always be, to some extent, incomprehensible to a northern mind, since they act generally upon mere impulses and momentary passions, which of course lie beyond human foresight and calculation.

The government seems to be strangely alarmed. Last Wednesday night, at about 11 o'clock, the principal guard of the city at the *Puerto del Sol* was increased all at once by no less than 200 troops; messengers called all the officers from their clubs, coffee-houses, and the theatres, to the barracks, and the soldiers there were kept on the *qui vive* for several hours. These measures created some excitement in the streets, promenades, and cafes, which here in Madrid, about midnight, are generally as much crowded as Broadway is about noon. But I saw no disorder, only people wondering what this all meant. The captain general of New Castile, who ordered the forces out, it is now alleged, was trifled with by some false denunciation, and he has offered to resign, but his resignation will not be accepted.

The King will visit France in August to return the visit of the Empress last fall. There is, of course, a good deal of wild talk in the papers about a peculiar object in view, about alliances offensive and defensive, about Gibraltar and the like. The court and ministerial journals speak of it as only a visit of unavoidable courtesy, which seems to me the most probable. The King, though in a certain sense tolerably well educated and possessing many accomplishments, seems to me to have no reach of mind, and to be wholly unable to grasp great political ideas. Besides, constitutional principles have taken root in Spain deep enough to prevent any ministry letting the King, who, however, is only so by title, go out on important diplomatic errands. No visit of his to France, however, will be liked by the people here, who distrust and hate, if not the French people, at least every French government.

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 112.]

DEPARTMENT OF STATE,

Washington, July 11, 1864.

SIR: I am indebted to you for a very lucid and interesting account of your conversation with Mr. Pacheco, and the situation of the Peruvian government at Madrid. It was natural, and indeed unavoidable, that there should be much excitement at that capital when information arrived there of the demonstrations which were made against Mr. Salazar on his way from Peru to Europe. Nevertheless, the interests of peace remain always unaffected by popular commotions. I trust, therefore, that her Catholic Majesty's government will be favorably disposed towards an adjustment of the controversy with Peru upon a just and honorable basis.

I have some grounds for believing that Peru will send a proper agent to Madrid in such a character, and for such a purpose as I have heretofore suggested in my correspondence with Mr. Robinson and yourself. Should Mr. Barreda, who now represents Peru here, go out to Madrid, you will find him a fair, honorable, and discreet person. In the mean time it will not be inexpedient for you to continue your good offices. I think that the pressure of the South American states upon this government for sympathy and aid entitles us to expect that the Spanish government will regard us as acting in a spirit not less friendly to Spain than to Peru, and solely with a view to prevent, so far as we can, an enlargement of the theatre of war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Koerner.

No. 113.]

DEPARTMENT OF STATE,

Washington, July 15, 1864.

SIR: Your despatches of June 21, No. 104, and June 22, No. 105, have been received. Having submitted these interesting papers to the President, I am authorized to approve and commend the diligence and practical wisdom with

which you have executed my previous instructions in relation to the unhappy difference which has arisen between Spain and Peru.

The frank and liberal sentiments expressed to you by Mr. Pacheco induce a hope that on the arrival of a discreet and honorable agent of Peru at Madrid an accommodation mutually honorable and satisfactory to both countries can be effected. Mr. Barreda, whom I have already mentioned to you, will embark on the 20th instant, although he has as yet received no especial charge from the president of Peru; yet I have no doubt that on his arrival in Spain he will receive authority to make all needful explanations. I cheerfully commend him to your confidence and esteem.

You were altogether right in assuring the Spanish government that our obligations of neutrality will be justly and honorably performed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Koerner to Mr. Seward.

[Extracts.]

No. 113.]

LEGATION OF THE UNITED STATES,
Madrid, July 18, 1864.

SIR: * * * *

In the evening papers of yesterday was found a telegram to the effect that the French consul at Lima (France representing the interests of Spain in Peru, while there are no diplomatic relations between the latter country and Spain,) has agreed upon a complete settlement of the points in dispute with the government of Peru. In a day or two the truth of this news can probably be ascertained here in the Department of State.

* * * *

There have been partial disturbances in Barcelona and Valencia. They are ascribed by the government to merely local grievances and as of no political importance. But there is certainly more agitation and uneasiness in the country at present than at any other time since I arrived here.

I have the honor to be your most obedient servant,

GUSTAVUS KOERNER.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 114.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 2d of July, which is accompanied by a copy of Mr. Pacheco's circular letter concerning the difficulty between Spain and Peru.

Regarding this paper as practically reducing that controversy to one of form or ceremony, and confiding so much in the wisdom of the governments of these two respected countries as to believe that they will not suffer themselves to be profoundly alienated by such questions, the President is content to leave the subject to their exclusive consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 115.]

DEPARTMENT OF STATE,

Washington, July 30, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 23d of June, No. 107, which is accompanied by a copy of a memorandum that has been communicated by Mr. Pacheco to the Peruvian consul residing at Madrid.

I have read that instrument carefully, and while I agree with you, that the government of Spain might well have adopted a more free and direct proceeding in restoring the Chincha islands to Peru, I must confess, at the same time, that the disposition which the former government manifests in this overture is pacific and friendly. I cannot think that, under the changed circumstances, the government of Peru ought or could wisely take a stand upon the ground of ceremony which also seems to be left open by the government of Spain. I shall forbear, however, from expressing this opinion to the government of Peru, which may justly claim, as Spain does, to be sole guardian of the national honor. It is expected that before this despatch shall have reached you Mr. Barreda will have appeared at Madrid. I will thank you to make its contents confidentially known to that judicious and esteemed representative of Peru.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c.

Mr. Perry to Mr. Seward.

No. 118.]

LEGATION OF THE UNITED STATES,

Madrid, August 3, 1864.

SIR: Our government has had occasion frequently to complain to that of Spain of the treatment received by our vessels in passing the forts of Tarifa, in the Straits of Gibraltar; and American ships have been more than once pierced with shot from these forts because they were either slow or careless in complying with the regulation that all vessels must show their flags on passing within range of the guns of the forts.

I take pleasure, therefore, to enclose the copy of a circular note addressed to me by Mr. Pacheco on the 31st July, in which he advises our government of a very favorable change in the orders given to the officers commanding the forts of Tarifa and Isla Verde, and from the tenor of which it is to be hoped that the act of firing into the hulls of unarmed merchantmen in time of peace will not again be repeated.

It may be well to publish these new regulations for the information of our ship's captains trading to the Mediterranean.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

CIRCULAR.

DEPARTMENT OF STATE,

San Ildefonso, July 31, 1864.

DEAR SIR: Having brought to the knowledge of the Secretary of War the action taken on various occasions near the government of her Majesty by some

foreign representatives, accredited to this court, with the object of introducing some favorable modification of the rules observed at the fortresses of Tarifa and Isla Verde, to oblige vessels navigating the jurisdictional waters of those fortresses to hoist the flag of their nations, a practice which they often neglect, alleging a very improbable ignorance in vessels which so repeatedly pass the straits, the aforesaid secretary replied to me, under date of 21st ultimo, that the department in his charge, and at that date, had issued to the captain general of Andalusia, who has under his immediate command the fortresses of Tarifa and Isla Verde, the instructions following, to which, in future, the commandants of the said fortresses will adhere.

1. "To every vessel which, on crossing the line of said fortresses, within range of its cannon, does not show the flag of her nation, (the Spanish flag floating over the fortress,) notice shall be given of the neglect she is falling into by discharging a cannon loaded with powder only."

2. "If, after the lapse of 10 minutes, she should not have hoisted her flag, a shotted gun shall be fired ahead and across her prow."

3. If, notwithstanding these two indicated notices, and the lapse of another 10 minutes, she omit to hoist her flag, a third discharge with balls shall be fired at her masts."

In bringing the preceding dispositions to your knowledge, so that you may give a translation of them to the government of the American Union, the Queen, my sovereign lady, flatters herself that the cabinet of Washington will find in the measures adopted a fresh proof of the sentiments of deference which her government entertains for the nation you so worthily represent.

I avail of this occasion to offer to you the assurances of my distinguished consideration.

J. F. PACHECO.

The CHARGÉ D'AFFAIRS of the United States.

Mr. Perry to Mr. Seward.

[Extract.]

No. 119.]

LEGATION OF THE UNITED STATES,

Madrid, August 6, 1864.

SIR: Your instructions to Mr. Koerner, Nos. 112 and 113, of the 11th and 15th July, were received by me on the 1st and 4th of August, and their purport was immediately communicated to Mr. Koerner, in Germany.

I note especially your views upon the present condition of the Peruvian question, based upon the information conveyed in Mr. Koerner's despatches to you previous to and including his No. 105, of June 22. His subsequent despatches on the subject, Nos. 107 of June 28, 108 of June 29, and 109 of July 2, will vary in some degree the inferences drawn from those first communicated. I am of opinion, nevertheless, that Spain is not desirous of war with Peru, and that the arrival of a special Peruvian envoy at this court is the best step which could have been imagined tending to bring about a satisfactory arrangement of the question. He may find more difficulty than was expected at the date of the earlier despatches, afterwards modified by subsequent developments here, but I trust these difficulties will be overcome.

* * * * *

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Perry to Mr. Seward.

No. 120.]

LEGATION OF THE UNITED STATES,
Madrid, August 8, 1864.

SIR: On the night of the 4th instant there were symptoms of sedition manifested in the regiment named *Savoy*, quartered near the royal palace, but these did not reach the point of insurrection. I am informed that the entire regiment (3 battalions) was prepared and impatient for action; but the movement did not take place on account of the refusal of certain leaders to co-operate. A lieutenant and five sergeants are now on trial before court-martial.

Yesterday General Milans del Bosch was ordered to the Canary islands and assigned to the command of the Great Canary, a kind of honorable exile. General Contreras was ordered to report to the captain general of Corunna, on the northwest coast. Coronel the Count of Cuba is sent to Oviedo. These are all friends of General Prim. General Quesada, military governor of Madrid, has been replaced by General Cervino, (an adherent of O'Donnel,) and Coronel Gonzales, of the regiment *Savoy*, by Coronel Cos-Gayon. Though there was, undoubtedly, good motive for alarm on the part of the government, and these sparks show, to some extent, what fire is slumbering under cover in Spain, I beg to repeat the opinion expressed in my No. 115, of July 25, and do not anticipate any considerable insurrectionary movement at present.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Perry.

No. 16.]

DEPARTMENT OF STATE,
Washington, August 12, 1864.

SIR: Mr. Koerner's despatch of July 18, No. 115, has been received.

I think it more desirable to confirm and establish friendly and harmonious relations with Spain at the present moment than to discuss irritating private claims on either side. Probably even just claims could never be urged under circumstances more unfavorable than the present. While, therefore, you will waive none of those with which you are charged, it is not expected that you will be especially urgent about those of Mr. E. and Mr. L., who have voluntarily withdrawn from the United States, and taken up their residence in San Domingo.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 19.]

DEPARTMENT OF STATE,
Washington, August 19, 1864.

SIR: I enclose for your information a copy of a despatch of the 22d ultimo from Mr. Robinson, our minister at Lima, and of the reply of this department, relative to the controversy between Spain and Peru.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Robinson.

No. 119.]

DEPARTMENT OF STATE,

Washington, August 17, 1864.

SIR : I have the honor to acknowledge the receipt of your despatch of July 22, No. 203, which relates to the unpleasant controversy between Spain and Peru.

I regret to be obliged to infer from your despatch that the government of Peru has not yet thought it expedient to send an authorized agent to Madrid. It seems to the President that the steps taken by the Spanish government reduce the dispute to a point of mere diplomatic significance, upon which it would be unwise for either party to incur the responsibility of delaying a settlement. We have spoken in this sense to the government of Spain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHRISTOPHER ROBINSON, Esq., &c., &c., &c., *Lima.**Mr. Robinson to Mr. Seward.*

No. 203.]

LEGATION OF THE UNITED STATES,

Lima, July 22, 1864.

SIR : I have the honor to acknowledge the receipt of your despatches Nos. 114 and 115. The former is marked "confidential," and contains a copy of two despatches from the minister of the United States at the court of Madrid, relating to the present controversy between Spain and Peru. There was no extract from any despatch of Mr. Dayton accompanying your No. 114 to me.

Yesterday I had an interview with Mr. Ribeyro, and communicated to him the suggestion that Peru might, under the present circumstances, send a minister plenipotentiary to Madrid, fully authorized to make an arrangement of all the pending difficulties. He replied that, as yet, the government of Peru had received no reply from Mr. Pacheco, the minister of foreign relations of Spain, to the note of the 12th of April, addressed to him by Mr. Ribeyro, and till an answer was received it was impossible to determine whether their envoy would be received in that capacity. Mr. Ribeyro expressed to me, in the strongest language, the high appreciation which he personally, and the government of Peru, entertained for the kind and friendly feelings and acts of the cabinet at Washington.

The near approach of the session of Congress, which opens on the 28th of this month, and the expectations that the Spanish question will be thoroughly examined and discussed by that body, in which discussion will be presented fully and authoritatively the views of the people of Peru, will undoubtedly induce great caution in the conduct of the cabinet here. These discussions it is to be hoped will modify materially the feeling too prevalent among the masses that the difficulty should be settled by an appeal to arms. It cannot be denied that the conduct of the Spanish officials in taking possession of the Chincha islands is regarded among all classes of the people as an intentional insult to the dignity and honor of Peru, and till both the acts and language of these officials are disavowed, the opinion among the Peruvian citizens is that there is no place for negotiation.

I am, sir, your obedient servant,

CHRISTOPHER ROBINSON.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Perry to Mr. Seward.

[Extract.]

No. 123.]

LEGATION OF THE UNITED STATES TO SPAIN,
San Sebastian, August 23, 1864.

SIR: I have the honor to enclose a copy of a long letter from Señor Barreda, of August 22, at London, and of my reply of August 27, which closes this correspondence.

I was certainly under the impression, when I received his letter of August 6, already forwarded to you, that he was an authorized negotiator sent to Spain by his government, though he would receive further instructions here as indicated in your despatch No. 113, of July 15, to Mr. Koerner. * * *

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Perry to Mr. Seward.

No. 124.]

LEGATION OF THE UNITED STATES TO SPAIN,
San Sebastian, August 28, 1864.

SIR: I have the honor to enclose a translation of the note of Mr. Pacheco, dated the 11th instant, at San Ildefonso, in which he informs me that the government of the Queen has decided to approve the order of the captain general of Cuba, prohibiting foreign men-of-war, who remain outside of the port of Havana, from sending in their boats to that port, except in the sole case that the vessel is in need of succor.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pacheco to Mr. Perry.

[Translation.]

MINISTERIAL DEPARTMENT OF STATE,
San Ildefonso, August 11, 1864.

SIR: In fulfilment of what was said by this department to that legation of the 17th of April of last year, I have now the honor to inform you that the government of her Majesty has been pleased to approve the measure adopted by the superior governor of the island of Cuba, in respect to impeding the entrance into the port of the Havana of the boats of foreign vessels-of-war which themselves remain outside. In the sole case that the said vessels should be in urgent need of succor, it will be permitted to the vessel demanding it to remain without communication at the entrance of the port, whilst the consul of the nation to which the vessel belongs furnishes the same. In the adoption of this measure, observed by all nations in their port regulations, the government of her Majesty has had no other object than to put in operation the rules of maritime police and of sanitary police of that island.

I avail myself of this occasion to renew to you the assurances of my distinguished consideration.

J. F. PACHECO.

The CHARGÉ D'AFFAIRES of the United States.

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Mr. F. W. Seward to Mr. Perry.

No. 23.]

DEPARTMENT OF STATE,

Washington, August 30, 1864.

SIR: Your despatch of the 3d instant, No. 118, communicating a copy of a note addressed to you by Mr. Pacheco, on the subject of new regulations for vessels passing the forts of Tarifa, in the straits of Gibraltar, has been received. Due publicity will be given to this enlightened measure on the part of her Catholic Majesty's government.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Perry to Mr. Seward.

[Extract.]

No. 125.]

LEGATION OF THE UNITED STATES TO SPAIN,

San Sebastian, September 5, 1864.

SIR: * * * * *

Nos. 114 and 115, upon the questions pending between Spain and Peru, have crossed in the mail with my Nos. 119, 121, 122, and 123, addressed to you on the same subject, and I am especially gratified to find that the ideas which have guided me are in all respects harmonious with those instructions dictated by your superior judgment.

I have been a little doubtful, after the letter of August 22d from Mr. Barrera, enclosed in my No. 123 to you, whether to wait his arrival, or communicate your No. 115 to him in writing. Knowing, however, the just importance Mr. Barrera attaches to your opinion, I have imagined that perhaps this most opportune despatch might have the effect to bring him to Spain, where you suppose him to be, and where undoubtedly he ought to be at this moment, if he has any power at all to act in the name of his government. I have sent him, therefore, a copy, under the mark of "*strictly confidential.*"

The indications contained in your No. 16, of August 12, will guide my conduct in the matters to which it relates; and I beg to thank you for the clear and impartial summaries of military events contained in your Nos. 15 and 18, this last of August 15.

I shall wait here the arrival of the next mail steamer from America, and if nothing further should reach me from Mr. Barrera, will then return to San Ildefonso.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Perry to Mr. Seward.

[Extracts.]

No. 126.]

LEGATION OF THE UNITED STATES,

Madrid, September 18, 1864.

SIR: The change of ministry you were led to expect has occurred as anticipated. I enclose a translation of the note of Señor Llorente received yesterday, announcing the new cabinet.

* * * * *

So far as our interests are concerned it would be premature to specify in what manner they have been affected by this change. The journals say that Narvaez will immediately abandon Santa Domingo, and withdraw the Spanish flag from that island. He has energy enough for that step, but whether he will think proper to take it or not, the journals are probably ignorant.

* * * * *

The members of the new cabinet have all been ministers before, and four of them prime ministers. They are able men, and if they continue united under the impulse of the rigorous will of Narvaez, may yet give a strong government to Spain.

Your despatches Nos. 21 and 22 have reached me, and I take special notice of your interview with Mr. Tassara, in which the neutrality of the Isthmus of Panama, under certain circumstances, was the subject of conversation.

I hope soon to have an interview with Marshal Narvaez, which I have no doubt will be interesting, upon the subject of the questions pending with Peru.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Llorente to Mr. Perry.

[Translation.]

MINISTERIAL DEPARTMENT OF STATE,

Palace, September 16, 1864.

SIR: The Queen, my august sovereign, having been pleased to accept, by royal decrees of this date, the resignation presented by the cabinet, of which Don Alexander Mon was president, has appointed President of the Council of Ministers, without portfolio, the Marshal Don Ramon Maria Narvaez, Duke of Valencia; Minister of Grace and Justice, Don Lorenzo Arrazola; Minister of War, Lieutenant General Don Fernando Fernandez de Cordova, Marquis of Mendigonia; Minister of the Navy, Admiral Don Francisco Armero, Marquis of the Nervion; Minister of Finance, Don Manuel Garcia Barzanallana; Minister of the Interior Government, Don Louis Gonzales Bravo; Minister of Instruction and Public Works, Don Antonio Alcala Galiano; Minister of the Colonies, Don Manuel de Seijas Lozano; and Minister of State, the undersigned.

Whilst I have the honor to communicate this to you, I take pleasure also in expressing my desire and my hope that the friendly relations existing between Spain and the United States may be of that character of cordiality and good correspondence which distinguishes them to-day, for which I confide in finding on your part the most benevolent co-operation, and I propose on my side to omit no means which may conduce to facilitating in the affairs which I may treat with you the solutions most in harmony with the good understanding which reigns between the government of the Queen my Lady and that which you so worthily represent.

I avail myself of this occasion to offer to you the assurances of my distinguished consideration.

ALEXANDER LLORENTE.

Mr. Seward to Mr. Perry.

No. 26.]

DEPARTMENT OF STATE,

Washington, September 19, 1864.

SIR: I have just received your despatch of the 28th of August, together with its accompaniment, which is a private letter addressed to yourself by Mr. Barreda,

on the 22d ultimo. That letter is patriotically expressed, as well as loyally conceived.

Mr. Barreda has there indicated to you a division of counsels which may unhappily arise in Peru on the course to be adopted with regard to the Spanish question. The ministry which was in power when Mr. Barreda left this country for Europe was understood to favor a conciliatory course. That disposition seems to have been unsatisfactory to the House of Representatives, which demanded a more peremptory attitude.

A new ministry has been created, and it has taken the attitude thus required.

It is manifest that insomuch as the real dispute has given place to one which involves only the order and the form in which the parties shall advance toward a settlement upon principles mutually satisfactory, and insomuch as neither party asks leave, or manifests a willingness to invoke friendly offices, to adjust that latter question, we can do no more than to urge upon both of them, by a just regard to their own interests, and to the interests of humanity, to consider how great would be the misfortune if they should suffer such a mere misunderstanding to ripen unnecessarily into flagrant war. What you have said to Mr. Pacheco, and all that you have written to Mr. Barreda, was well and wisely said and written, and is approved.

I give you confidentially a copy of my last note upon the subject to Mr. Robinson.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Perry to Mr. Seward.

No. 127.]

LEGATION OF THE UNITED STATES,

Madrid, September 24, 1864.

SIR: On Thursday, the 22d instant, being the day set apart by the new minister of state for the reception of the representatives of foreign powers, I enjoined the opportunity for half an hour's conversation with Señor Llorente upon the various subjects of interest between the two countries and the question now pending between Spain and Peru.

On this latter point I am glad to report that Señor Llorente confirmed to me, in the fullest and completest manner, the assurances heretofore given by Mr. Pacheco, that the government of Spain had no idea at all of territorial aggrandizement, and no purpose to occupy permanently a foot of the Peruvian territory.

He mentioned the circular letter of Mr. Pacheco, of the 24th June, and his declarations in the senate with approval. He himself had not had time, as minister, to study the Peruvian affair. Mr. Salazar and Mazarredo had been with him the day before. He did not know what his own opinion about that business would be, and the council of ministers had not had their attention called to it as yet; but this much he could assure me, without any hesitation, that the Monroe doctrine of the United States would not be called in question by any proceeding of Spain in or against Peru.

If President Monroe himself were alive and on the spot, he should see nothing running at all counter to his famous declaration. Spain would treat Peru precisely as she would treat any other foreign nation with whom she had a difference, but whose territories she did not covet.

I alluded in an entirely informal way to your late conference with Mr. Tassara, reported in your instruction No. 21, of August 26, touching upon the treaty stipulations between the United States and New Granada about the neutrality of the Isthmus of Panama.

Mr. Llorente said he had not seen Mr. Tassara's report of your interview with him, and thanking me for drawing his attention to the point, the conversation dropped.

I have the honor to remain, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Perry.

No. 29.]

DEPARTMENT OF STATE,
Washington, September 26, 1864.

SIR: I acknowledge with satisfaction the receipt of your despatch of August 28, No. 124, together with a translation of a note addressed to you by Mr. Pacheco, informing me of the course adopted by the captain general of Cuba in regard to the entrance into the port of Havana of foreign vessels-of-war.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Perry to Mr. Seward.

[Extracts.]

No. 128.]

LEGATION OF THE UNITED STATES,
Madrid, October 2, 1864.

SIR: I had a long conversation with Señor Llorente on Thursday, which I endeavored to make as informal as possible, relating to the difficulties between Spain and Peru.

* * * * *

Meantime I am informed that Admiral Pinzon is removed from his command, to take effect as soon as his successor can arrive out. Admiral Pareja, late minister of the navy, is designated to replace him; but I am told he has himself made some objection on account of his connexion with the last cabinet in power when the news of Admiral Pinzon's exploit reached Spain.

Mr. Llorente told me that he had information the Peruvian government was endeavoring to purchase ships-of-war in the United States to be used against Spain, and asked me whether that would be permitted? I said that I was ignorant of the circumstances of the case he referred to, but I had no difficulty in stating that, in case of war between the two nations, much as we should regret that termination to the present dispute, he might rely upon it that our neutrality would be impartially enforced. I said, also, that we did not understand neutrality as it had lately been practiced by England towards the United States; that we were complaining now of the facilities afforded to our own insurgents for the purchase of war ships in England to be used against ourselves, and that we certainly would not permit a similar abuse by either belligerent within our own jurisdiction. Mr. Llorente said he was satisfied with that reply.

Seeing the turn this business is now taking, I thought proper to show to Mr. Llorente your despatches, Nos. 114 and 115, addressed to Mr. Koerner, and

also a letter which Mr. Barrera addressed to me on the 19th ultimo, from Paris, in which he says that the new cabinet at Lima is composed of men distinguished for their ability and the moderation of their views. After he had read your instructions, seeming to be favorably impressed with their tenor, I took occasion to again call to mind, in a wholly informal and unofficial way, the willingness of the government of the United States to act as might seem most favorable to the preservation of peace, in order to procure the settlement of any preliminary question which might impede Spain and Peru from coming together on the equal footing of ordinary diplomatic intercourse for the negotiation of the affairs they may have to treat together. I stated that I had no instructions to offer the mediation of the United States, but I was aware that such mediation had heretofore been sought by Peru, and I supposed it would still be accepted by that power. I had no doubt that whatsoever the President of the United States might say would be considered as of great weight by the government of Peru, and would be sure to command its serious attention. Mr. Llorente had now seen the contents of two confidential despatches from you, never intended to be read to him, and which I had taken the responsibility of exhibiting informally, perhaps, against your judgment, and certainly without your authority. The opinion of the government of the United States upon the present state of the Peruvian question, as it was left by the circular of Mr. Pacheco, was thus known to him beyond a doubt. I begged him, therefore, to consider whether this difference, reduced in fact to one of mere form or ceremony, might not well be submitted for its solution to the decision of a third party, equally free from all suspicion of bias on either side. Spain really disapproved the ill-advised action of her agents—had no wish nor interest to maintain an armament in the Pacific ocean, and hesitated only upon the question of how to withdraw her flag with honor. Peru, on her side, was really not averse to entertaining diplomatic intercourse with Spain on the footing of perfect equality between the two nations, and to negotiating in good faith upon all the questions pending between the two governments prior to the arrival of Señor Salazar at Lima, but she hesitated upon the question how consistently with honor to bring things back to this point after what had occurred at Lima and in the Chincha islands.

The whole difference was reduced to this: The exigencies of Spanish honor seemed exaggerated to Peru, and those of Peruvian honor seemed unreasonable to Spain. The proposition to yield anything directly in such a question suggested, it seemed, the idea of humiliation.

Was not this precisely the moment when the unbiased judgment of a mutual friend ought to step in to settle the point? There could be nothing humiliating in accepting the decision of a third party in such a case. Spain or Peru might either of them yield a point to the dispassionate judgment of the United States, which they would not have yielded the one to the other. The world would certainly understand, even in the extreme case, that some concession should be unduly made, (which, however, could not be supposed,) that the responsibility of such error would no longer touch the honor of either of the principal parties, but it would fall upon the mediator himself.

I repeated I was not authorized to offer the mediation of the United States, and what I was saying must be considered as entirely extra official, and not as coming from my government. The government of the United States had no interest at all to press this or the other view upon the attention of Spain, but if the reasonableness of what I said should strike Señor Llorente, apart from all consideration of its source, he was already aware that Peru had solicited our mediation, and if Spain desired it, I would not hesitate to transmit that wish to Mr. Seward.

Even without a formal mediation I should be glad to be personally useful in any way which might conduce to peace and a good understanding between the agents of the disputing powers.

Mr. Llorente listened to these remarks with great attention, and thanked me warmly for the offers with which I concluded, saying that he would weigh what I had said, and consult with his colleagues about it.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Perry to Mr. Seward.

[Extracts.]

No. 129.]

LEGATION OF THE UNITED STATES,
Madrid, October 9, 1864.

SIR: I have the series of your recent instructions complete to No. 27, of September 19, including the circular, without number, of September 12.

Your No. 27, upon the events at home, is heart-cheering. We have subsequent telegrams indicating the continued and brilliant success of General Sheridan, who has again routed the army of General Early at Strasburg, taking from him sixteen cannon. This seems to be a rapid and disorganizing pursuit at a point so vital as to be almost decisive of the fate of the campaign in Virginia. If Early cannot hold Sheridan in his victorious march up the valley toward Charlottesville and Lynchburg, it is hard for us here to see how General Lee can long avoid the necessity of evacuating Richmond and Petersburg. Whilst I wait, therefore, still more important results to come out of these events in the valley of the Shenandoah, permit me to congratulate you with all my heart upon the changed aspect of affairs so eloquently set forth in your last despatch.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Perry.

No. 36.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have to acknowledge the receipt of your despatch of the 24th of September, No. 127, which informs me of your first interview with Mr. Llorente, the new minister of state, for the reception of the representatives of foreign powers. The assurances of good will towards our country which were tendered to you in that interview are received with much satisfaction.

The sentiments which Mr. Llorente expressed on that occasion in relation to the difficulty between Spain and Peru were so just and wise that I cannot allow myself to believe that the new administration will permit itself to remain under embarrassment with a question for the satisfactory solution of which nothing seems to be necessary to decide but which of the two parties shall first make a formal overture towards mutual reconciliation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 40.]

DEPARTMENT OF STATE,
Washington, October 26, 1864.

SIR: I have your despatch of the 2d of October, No. 128, and I not only approve but I commend the zeal and diligence you have exercised in your labors to secure a continuance of peace between Peru and Spain. I shall not now approve of so much of the representations and suggestions which you have made to Mr. Llorente on that subject as was not warranted by express directions from this department. At the same time, I am far from being disposed to censure this portion of your proceedings, and, on the contrary, I rather incline to hope that your representations may be crowned with beneficial effect.

Upon a careful consideration of the state of the case as you have presented it to me, it has been deemed expedient on my part to advise Mr. Barreda, who is now in Europe, to seek an interview with you, and learn from you informally and unofficially the facts in regard to the disposition of the Spanish government which you have communicated to me. His sagacity will enable him to determine what course to suggest to his government at Lima. I shall communicate with Mr. Barreda by the mail which carries this despatch.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 41.]

DEPARTMENT OF STATE,
Washington, October 31, 1864.

SIR: We learn unofficially that the United States ship *Niagara* lately overhauled and temporarily detained the *Cicerone*, a steamer which bore the Spanish flag. We have as yet no report of the transaction from the commander of the *Niagara*; but we are advised by a correspondent in London that the vessel had been described to the commander as an insurgent one recently engaged in the African slave trade, and now carrying a naval armament to the rebels. It is supposed, although not known here, that this information was, upon examination, found to be erroneous, and that the *Cicerone* was therefore released. I give you this information, which is all this government has received, with a desire that you shall communicate it to the Spanish government, and assure them that if any error has been committed in the transaction affecting the rights of Spain, this government will see that it is duly repaired.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 45.]

DEPARTMENT OF STATE,
Washington, November 15, 1864.

SIR: On account of my late absence from the department of a few days, it has not been practicable for me to return an earlier answer to your despatch of

the 14th of October, (No. 131,) which was received here on the 4th instant. I now hasten to inform you that I have transmitted to Mr. Robinson, our minister at Lima, with an instruction of which I enclose a transcript, a copy of your despatch. The hope is confidently indulged that by the further exercise on the part of both governments of a conciliatory disposition, a peaceful solution of the question at issue may be reached. It has occurred to me, however, that the period suggested by Mr. Llorente, during which Spain would be willing to avoid all show of a hostile or menacing attitude towards Peru, might well be extended in view of the length of time necessarily consumed in communicating between points so distant as Madrid, this capital, and Lima. You will, therefore, seek an early occasion to suggest to Mr. Llorente the expediency of allowing, for the reason stated, a longer term than that proposed by him in his conversation with you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Perry.

No. 47.]

DEPARTMENT OF STATE,

Washington, November 17, 1864.

SIR: Your despatch of the 28th of October, No. 134, has been received. The question presented therein, as to what would be the course of this government in regard to cargoes of guano consigned to ports of the United States on Spanish account, is a grave one, but as yet only a hypothetical one. The United States cannot anticipate its actual occurrence, and must therefore completely reserve themselves upon the subject. In the embarrassments, however, which must attend the question, they find an additional motive for persevering in the friendly counsel to both Spain and Peru to come to an accommodation of their differences.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

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Mr. Seward to Mr. Perry.

No. 48.]

DEPARTMENT OF STATE,

Washington, November 17, 1864.

SIR: Your despatch of the 1st instant, No. 138, has been received, together with the duplicates of your No. 131 and No. 134, which accompanied it. You will perceive from my instructions of the 15th instant, No. 45, that your suggestion has been anticipated relative to the term of two months fixed by Spain for the avoidance of hostile demonstrations towards Peru.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr Seward to Mr. Perry.

No. 52.]

DEPARTMENT OF STATE,

Washington, December 2, 1864.

SIR: Your despatch of the 8th ultimo, No. 139, which relates to the detention of the Spanish steamer Cicerone by the sloop-of-war Niagara has been received, and your note upon the subject to Mr. Llorente is approved. I had already, before the receipt of your communication, been informed of the circumstances referred to, and had called upon the Secretary of the Navy for fuller information, which, however, has not been furnished.

In a late despatch from our vice-consul at Havana the Cicerone is referred to as a slave trader.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

AUSTRIA.

Mr. Seward to Mr. Motley.

No. 47.]

DEPARTMENT OF STATE,

Washington, October 23, 1863.

SIR: Your despatch of October 5, No. 36, has been received. Reserving so much of it as relates to the affairs of Mexico for distinct consideration, I have now only to thank you for the information you have given me concerning the complications of peculiarly European politics, and the conflicting currents of opinion on the continent concerning the civil war in which we have the misfortune to be the actors.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., *Vienna.**Mr. Seward to Mr. Motley.*

No. 52.]

DEPARTMENT OF STATE,

Washington, December 18, 1863.

SIR: I have received your despatch of November 24, No. 40, and I cannot too lavishly thank you for your careful and lucid exposition of the Schleswig-Holstein question. Although, fortunately, no responsibility rests upon this government to act, or even to declare itself upon that controversy, it has, nevertheless, been a subject of study on my part for some time. With the key you have put into my hands I shall be able to interpret the action of the several European powers in regard to the question, and form conclusions upon the chances of peace and war in Europe.

The attitude of the two leading maritime powers in regard to our civil war has been recently relieved of some portion of its unfriendliness. It yet remains, however, a cause of deep and serious concern. How singular are the instructions France and England have given us for the regulation of our conduct if war should unfortunately break out in Europe! In that case, if we follow the example, what is to restrain us from recognizing the war at once, and furnishing supplies, money, arms, material, ships-of-war, and men, and the harborage of our ports to the belligerents, however numerous and however friendly to ourselves they may be, irrespective of the safety of their states, the merits of their conflicts, or the commerce of the world? Even those powers, however, which have dealt so unkindly with us must now perceive that there is an irresistible logic of events which requires that Europeans shall confine their rule to the eastern continent, and that the American states must be left free to regulate political affairs within their own limits.

But if this claim is too broad, there is another that I think could not be well contested. Let us suppose that Denmark should become a theatre of civil war, and that Germany, and France, and Great Britain, and Russia, although intervening by arms, should fail to enforce peace in that unhappy state, in that case would any of the parties even then tolerate interference, or even counsel, from the United States? May we not derive from these circumstances, which disturb the European governments, the instruction that it is the right of every

nation to be rigidly left alone to manage and regulate its own domestic affairs? If that principle could be accepted by all the European states, would they not be at liberty to reduce at once their respective armaments to the standard prescribed by the necessity for guarding against civil war?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Motley.

No. 53.]

DEPARTMENT OF STATE,

Washington, January 7, 1864.

SIR: Your despatch of December 1, No. 41, has been received, and your careful and temperate survey of the political field in Europe is appreciated.

At home the question first in practical importance is the renewal of our army, rendered necessary by an early expiration of the first enlistments. The process of renewal is successful.

The second question is that of reorganization in the insurrectionary States. Not time enough has elapsed to enable us to judge whether the plan suggested by the President will be generally adopted. It meets, however, less opposition than the policy in regard to slaves announced in the annual message of 1862-'63, and there is reason to hope that if it shall not prove acceptable, it will open the way to some other plan that will be at once feasible and satisfactory to the country. Major General Butler reports that 8,000 citizens of Virginia, within the military district under his command, have already taken the oath of allegiance proposed in the President's recent proclamation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., *Vienna.*

Mr. Seward to Mr. Motley.

[Extract.]

No. 56.]

DEPARTMENT OF STATE,

Washington, February 15, 1864.

SIR: * * * * *

We are about beginning a new campaign. Enlistments are large, and the popular spirit is loyal and earnest. Proofs come in from all quarters that slavery will be cheerfully surrendered to the fate it has provoked. There is no part of the insurrectionary region where a slave's entire valuation to day exceeds a year's purchase as that property was rated three years ago. Capital, of course, now avoids investment in slaves. When slaves cease to be remunerative as property, they must immediately become an incumbrance; they can no longer be an element of aristocratic strength.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., *Vienna.*

Mr. Seward to Mr. Motley.

No. 58.]

DEPARTMENT OF STATE,

Washington, March 11, 1864.

SIR: It is with much pleasure that I acknowledge the receipt of your despatch of the 22d of February last. It presents a very vivid picture of the public sentiment which existed at Vienna at the moment of excitement produced by the success of the allies in expelling the Danes from the chief strongholds in Schleswig. I shall hold myself profoundly obliged by a continuation of your reports, until some solution of the controversy between Germany and Denmark shall have been received.

There is nothing of especial interest to be communicated to you concerning our affairs. Our forces are renewed and are in position. Expeditions and skirmishes indicate the beginning of a campaign. The late cavalry expedition of General Kilpatrick against Richmond was bold and none the less entitled to admiration because it just failed to accomplish the chivalrous result which was desired, rather than expected.

General Sherman's march through Mississippi was well rewarded with captives and destruction of the insurgent's munitions, supplies, and arms. General Smith's cavalry raid was proportionably effective.

The popular elections show a gratifying soundness of public opinion and public virtue, while the amnesty offered by the President, coinciding with the painful experience of the evils of sedition, seems to be opening the way to a restoration of the authority of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, &c., &c., &c., *Vienna.**Mr. Seward to Mr. Motley.*

No. 62.]

DEPARTMENT OF STATE,

Washington, March 25, 1864.

SIR: It affords me much pleasure to express my obligations to you for the explanations you have given me in your despatch, No 47, of the causes which have moved the imperial royal government to adopt restrictive military measures in Galicia. It has been difficult to decide here upon the just value of the rumors which allege that the proceeding was taken upon false or frivolous pretences, and with a design to recombine the so-called Holy Alliance.

I am not less indebted to you for your survey of the state of the war existing between Germany and Denmark. Politicians are perplexed mainly with three questions which arise out of that strange transaction. Will Denmark consent to a dismemberment, perfect in all things, except in the retaining of a union between the disputed provinces and Denmark proper, through the person of the King as the sovereign of both? Will Austria and Germany, after subjugating the provinces of Schleswig and Holstein, restore them voluntarily to the King of Denmark? And third, will the other European powers refrain from intervention? After making as careful an examination of the facts as possible, and collating the conflicting opinions of European statesmen, I confess that I think the solution of each of these questions depends on contingencies that cannot now be foreseen. What is seen is, that calm and conservative statesmen in Europe earnestly desire a continuance of peace, and that, on the other hand, revolutionary agencies have already been set in motion, which, without concerted action that now seems impossible, cannot be subdued.

Perhaps you think I ought to give you a survey of our political condition in return for your interesting communication on that of Europe. But the time has not arrived for performing that duty. We have had a season of rest and invigoration. Although that season has passed, the new campaign is only now beginning. It must suffice to say, that the government is believed to be manifestly stronger and the insurrection manifestly weaker than at any former period in the war. Our military men are hopeful, and some advance in the work of reconstruction of the States has been made.

I am sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 66.]

DEPARTMENT OF STATE,
Washington, April 18, 1864.

SIR: After preparing for the outgoing mail very full despatches concerning Mexican affairs, I have just now received your confidential despatch of March 28, which informs me of the grave question that has arisen in the court of Vienna, concerning the effect of the Archduke Maximilian's acceptance of a crown in Mexico upon his presumptive rights to succeed to the imperial royal throne of Austria.

While I thank you very earnestly for this important information, I do not think it necessary to comment upon it. The question thus raised will probably have been in some way adjusted before this despatch will reach its destination. The present policy of this government in regard to Mexico would remain the same whether the archduke renounces or retains his claim to the succession in Austria; and it does not seem probable here that the ultimate destiny of Mexico can be influenced by anything so merely individual and personal as the character or relations of the person who at this new turn of the political wheel of that state may be lifted up by one of its factions, aided by foreign power, to the seat of Montezuma.

Nothing important has occurred here in regard to the position of the war. There are raids, which merely indicate preparations for general operations. A recent raid of the insurgents upon Fort Pillow, as is said, has been marked by atrocities which cannot be contemplated without a shudder. These barbarities assume very grave significance, as showing that the Africo-American troops are to be denied by the insurgents when victorious the privilege of quarter. So it seems to be established that slavery claims its independence of civilization to the very last, even while appealing to Christian nations for sympathy and aid.

I may say to you very confidentially that it is expected that a general movement of the Union forces east of the Mississippi will begin before I shall have an opportunity to write to you again.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 70.]

DEPARTMENT OF STATE,
Washington, May 30, 1864.

SIR: I have received your despatch of May 10, No. 59, and have read with profound interest the observations you have made therein upon the politics of

Austria and Prussia as they are influenced by the war between them and Denmark. These observations are by no means less valuable, because, while we are speculating concerning the probable solution of the Schleswig-Holstein affair, the conference in London is proceeding to determine the solution certainly independently of all that may be thought or said by those who are not directly concerned in the matter. The United States are suffering much injustice at the hands of some of the European powers. In endeavoring to ascertain what we may have to expect hereafter at the hands of these powers in the vicissitudes of our own civil war, it is necessary to understand as well as we may be able what is likely to be the occupation of these powers respectively, and their relations towards each other in the field, when the interest of self-preservation obliges them to assume great responsibilities.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

[Extracts.]

No. 78.]

DEPARTMENT OF STATE,

Washington, July 14, 1864.

SIR: I have received with sincere pleasure your despatch of June 18, No. 61. I sympathize with you, as the whole American people do, in the grief and sorrow which you express on the occasion of the death of General Wadsworth. He was an eminent type of the sublime virtue which is saving and regenerating the republic. There is scarcely a family in the country which has not been bereaved, and you may therefore be sure of universal sympathy when you mourn for one near to yourself who was stricken down upon the battle-field.

* * * * *

I thank you for your suggestions concerning Mexico, and the probable influence of recent events in that country upon our relations with Austria. These are consequences of our civil war, and they cannot be controlled. All that can be done in regard to them is to practice prudence and good faith in our foreign relations, and at the same time make preparations for self defence, if, notwithstanding our best efforts, we shall find ourselves involved in new complications. Neither is our political system weak, nor does it stand on an uncertain foundation. We must, indeed, do all that we can to fortify, as well as to defend it; but we may not unwisely indulge an abiding confidence in its inherent strength and stability.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 90.]

DEPARTMENT OF STATE,

Washington, September 19, 1864.

SIR: Absence from the capital has delayed thus long an acknowledgment of your very interesting despatch of the 14th of August, No. 71.

Without discussing the merits or the political points of the recent war

between the two great German states and Denmark, we may be allowed to rejoice that the war itself is at an end, and that Europe is at peace. The public mind reads recent events as indicative of a return of peace also on this continent. I think, however, that consummation is not to be immediately expected. Of course I do not at all believe that in our approaching election the people will command the government to surrender, or forego the integrity of the Union, the great object of the contest on our part. On the other hand, it is hardly to be expected either that the insurgents will abandon their efforts or be deserted by the people they have misled, until a further blow is delivered against their yet formidable military organization. We are preparing to give that blow.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. F. W. Seward to Mr. Motley.

No. 92.]

DEPARTMENT OF STATE,

Washington, September 24, 1864.

SIR: Your despatch of the 29th of August, No. 72, has been received.

In acknowledging the receipt of the information I have given you concerning military events in previous despatches, you remark that there is a further illustration of the subject of which you have so often spoken in the fact that my despatch of the 1st of August did not reach you until after telegraphic fragments, such as they were, up to the 10th of August, had been printed in the journals of Vienna.

This observation is a just one, but you will excuse me for saying that the fact equally illustrates a position I have heretofore taken, that reliable official despatches from this capital will always be anticipated by unofficial telegraphic despatches, such as they are, in the European press. This department must wait and verify facts before communicating them. Irresponsible reporters give rumors as they rise, and leave the public to correct them.

I have been well aware of the expectations which our European enemies have been building upon the delays of our military operations, and upon the plottings of insurrectionary emissaries with doubtful patriots at Niagara. Indeed, what was said and thought and expected in Europe, was first said and thought and expected by a large class of our countrymen at home. All this seems now to be changed. The military campaign proves a success; and the political plot begins to be regarded as a weak and harmless invention.

We may, perhaps, accept the fact, that the public attention on both sides of the military line is engaged here, as well as throughout Europe, by earnest expectations of peace, as an indication that peace is approaching. Indeed, this intense and general expectation must have large effect in producing peace.

It seems to me not less clear that the peace which is to come is one in which the integrity of the Union shall be saved. Because, first, it is only the political pressure of the Union upon the insurgents that could have brought them back, even indirectly, into the old way of attempting to regulate the elections of the country; and because, secondly, however they may fail in these attempts to regulate with a view to their own unlawful purposes, they will find it difficult to recede so far from this new and false position as to reassume their attitude of independence and sovereignty.

I do not pursue my speculations beyond this point, because the whole future policy of the government seems to me to be depending upon the popular elections to be held in November; and I could not discuss the probabilities of that can-

vass in this correspondence without at least seeming to be influenced by partisanship.

I thank you for the interesting information you have given me concerning the Schleswig-Holstein question.

I am, sir, your obedient servant,

F. W. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 99.]

DEPARTMENT OF STATE,

Washington, October 15, 1864.

SIR: I call your attention to the enclosed copy of a despatch from M. A. Jackson, United States consul at Halifax, and of an extract from a late Charleston paper, by which it was accompanied, in regard to the proposed building in Europe of a number of fast-sailing steamers for the purpose of running the blockade of Wilmington with troops from Poland to the number of thirty thousand. You will exercise your usual vigilance towards thwarting the scheme referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 103.]

DEPARTMENT OF STATE,

Washington, November 14, 1864

SIR: You will probably have learned, before the arrival of this instruction, of the sudden and unexpected death, at New York, of Count Giorgi. Immediately upon the receipt of the sad intelligence here, instructions were sent by telegraph to the United States attorney at New York, requesting him to offer his services and sympathy on the occasion to Mr. Loosey, the consul general, and informing him that all the principal government officers in New York would be expected to attend the funeral. These instructions were fully and acceptably carried out, as will be perceived from the accompanying copy of a letter from the United States attorney dated the 11th instant. The obsequies, which were of the most imposing character, were attended by most of the members of the diplomatic body, the foreign consuls at New York, the principal government officials, and by many of our most distinguished private citizens.

It will be proper for you to express to Count Rechberg in a fitting manner the profound regret which has been occasioned by the death of Count Giorgi, who was held in the highest estimation by all who knew him during his brief residence in the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

J. LOTHROP MOTLEY, Esq., &c., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 104.]

DEPARTMENT OF STATE,

Washington, November 15, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 23d of October last.

I thank you for the care with which you have placed before me the political condition of Europe. Military action there seems to have given place to speculation, which fortunately is not intense enough to withdraw the attention of states from the improvements of their financial and social condition. In pursuing that important interest they all will have the sympathy and good will of the United states, and to no state will such sentiments be extended more cheerfully or more sincerely than to Austria.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. L. MOTLEY, Esq., &c., &c., &c., *Vienna.**Mr. Motley to Mr. Seward.*

No. 34.]

LEGATION OF THE UNITED STATES,

Vienna, September 21, 1863.

SIR: Since the date of my despatch of last week, No. 33, I have had an interview with Count Rechberg. Nothing, however, has up to this moment been decided in regard to the expected offer of the proposed Mexican throne to the Archduke Maximilian. The affair, so far as the imperial royal government is concerned, remains as before. The deputation from Mexico is expected in the course of this week to arrive at Miramare, the archduke's residence near Trieste.

I could not learn from the minister what conditions would be laid down by the archduke as necessary preliminaries to his acceptance of the crown, but I understood him to say that no binding arrangement would be concluded with this deputation, although it would probably be received.

I understood him, also, to repeat, as often before, that the Austrian government considered the matter as a purely personal one, regarding the archduke himself and his imperial brother only, and that the imperial royal government had not the means nor the inclination to send out forces to Mexico to maintain the new empire.

I do not think it worth while to report any of the observations which I unofficially made on the subject myself, and which were simply those which any loyal American, belonging to any section or party of the United States, would be always sure to make in regard to this overturning of a republic, and the substitution for it of a monarchical government on American soil, and upon our frontier, by means of foreign armies and navies.

It seems to me that public opinion does not need much enlightenment as to the effect likely to be produced upon the people of the United States by this European armed intervention in the affairs of an American republic. I suppose that the French emperor is hardly acting in ignorance of American opinions and feelings, but in defiance of them, and that the archduke in going forth upon this adventure to improve imperial institutions upon the ruins of a democratic republic, can hardly have failed of weighing all the possible consequences of such a step, and that he is not likely to have reckoned on the sympathy and support of the United States government and people.

I intimated to Count Rechberg that there were rumors of the impending recognition of the so-called southern confederacy by the provisional government

now established in the city of Mexico ; I understood him to reply that the Austrian government knew no such provisional government, and that a communication which had been received from that source had not been and would not be answered.

I alluded also to the daily rumors in the European journals of intrigues and secret understandings between the agents of the insurgent government in the seceded States and the Emperor Napoleon, in which recognition of that organization as an independent power by France was announced for the immediate future, coupled with cession of territory so far as such agents had the power to cede it to the new Mexican empire, as the price of French recognition and French alliance. He said that the archduke held himself aloof from all such intrigues. In regard to the expected recognition by the new Mexican empire of the so-called confederacy, he observed that it would be easy for the United States government in a moment to make such a step impossible.

If the United States should themselves recognize the new government of Mexico, of course such recognition by so important a power would be far more valuable than any political relations that might be established with the southern States. He observed that everybody knew that the previous attacks upon Mexico and the disposition to extend the United States dominion over the soil of that country had always proceeded from the south.

I answered, that the recognition by the United States government of this new empire seemed to me impossible. Instead, however, of saying anything more upon this topic myself, my personal opinions and feelings having been often enough and strongly enough expressed, I proposed reading to him your despatch to Mr. Dayton, of March 3, 1862, which, so far as I knew, had never been published, but of which a copy had been forwarded to me at the time, and which I had brought with me. He readily assented, expressing at the same time a strong respect for yourself and your character as a statesman. I thought it could certainly do no harm that the Austrian government should be in possession of so wise and temperate a statement of American thought on that all-important subject, and accordingly, after reading the paper, I took the responsibility of promising a copy, which has subsequently been communicated to the imperial royal foreign office.

If I have done wrong in this you will let me know. I thought it might have some effect in causing reflection at this critical moment, and I relied on an observation in one of your despatches to me, that our government has no concealment in this matter.

I think you will hardly wish me to enter into academic or prophetic speculations upon this grave incident in our history. You are informed of the exact relations between the United States and France, while I am necessarily in the dark.

Rumors, suspicions, threats, in regard to the attitude of that power towards us fill the atmosphere of Europe. It seems impossible to doubt that the tendencies and sympathies of the French government are towards the slaveholders' insurrection, and that a recognition of the so-called confederacy is an ever-impending event.

Since the revelations of the British Parliament by Messrs. Roebuck and Lindsay, it would be folly to doubt the feelings of the ruler of France. At present the see-saw of his policy between Poland on the one side and Mexico on the other seems to incline towards our side of the world.

The diplomatic correspondence between the three powers and Russia seems to have come to an end for this year, and it can hardly be said that the Czar's government has sustained a defeat in the encounter. Meantime the Poles, in their struggles for independence, have been for nearly a year in vain supplicating the great powers for that recognition as belligerents which was so very promptly conceded, at the very outbreak of the revolt, to the insurgent slaveholders in the United States. This is a fact which history will forever hold fast.

The Poles are left to fight single-handed and naked as it were against the whole power of Russia, for a winter's campaign in that direction on the part of France alone is hardly among the probabilities. The Gulf of Mexico seems more tempting at present, and you are better aware than I am how much or how little danger there is of that last chance of the insurgents, a foreign war against the United States. I am sure that the President will avoid such war with any power so long as the national honor and the national safety will permit.

I observe this morning a single paragraph in a widely circulated Vienna newspaper which is worthy of your attention. It is in an article defending the probable acceptance by the archduke of the Mexican crown. "According to latest accounts from Mexico it is hardly to be doubted that all inner discord in Mexico will come to an end so soon as the archduke shall tread its soil. * * * Also, the French government is supposed to have arranged with the American southern States for the cession of Texas. It is confidently assumed that the overwhelmingly German population of Texas would readily submit themselves to a German prince. It is apparently not feared that in consequence of this cession a war would arise between France and North America; should, however, the north of America, besides the still-continuing contest with the confederates, be willing to burden themselves with such a war in addition, then France would not object, perhaps even wish for it, in order at least to be able to interfere with armed force in favor of the south."

This is in a journal which is generally supposed—I know not how justly—to be "inspired" occasionally by government. Of what use, then, would be talk or argumentation on our side as to Mexican politics, if such views could find general acceptance?

Whether the Germans in Texas, who probably did not emigrate from their fatherland because fanatically attached to monarchical institutions, are grown so disloyal to their adopted country as is here represented, you can judge better than I can. My impression has been that they were not only strong and sincere democrats, but on account of their warm attachment to the United States government they had suffered much persecution from the insurgents. But under whose authority has Texas been ceded to France? Even were the insurgent government in as triumphant as it is really in desperate circumstances, on what theory and by what machinery is Texas to be ceded?

At least an ordinance of secession out of the confederacy, on the part of the State government, might be thought necessary, or it is supposed that the government at Richmond has spare troops enough at its disposal beyond the Mississippi to deliver over Texas, bound hand and foot, to the new Emperor. Cessions in the Nice and Savoy fashion are not so easily accomplished in our hemisphere. Of course, the Emperor Napoleon, or any foreign potentate, is competent to attempt the conquest of Texas or of any other United States territory with or without "an arrangement with the southern States," but it would certainly be something new in the history of the world that the conquest of such a province, 237,000 square miles in extent, and with a population of 600,000, the acquisition of which has cost a war, besides \$10,000,000 in money, should be effected without the inconvenience of a new war.

In conclusion, I should say, although I am unable to give you authentically the conditions to be laid down previous to the acceptance of the transatlantic crown by the archduke, that this will undoubtedly include a goodly number of French bayonets for a considerable number of years, a recognition of the throne by France and England at least, and some more substantial manifestations of Mexican opinion in regard to the proposed revolution of the government than the shadowy phenomena which have thus far been visible.

I should say, also, that this whole matter is an embarrassment to the im-

perial royal government. Offence might be given to France should her fatal present be refused, while acceptance can bring no possible good to Austria.

"Timeo Danaos etiam dona ferentes" is, I suspect, the secret thought of the government.

I have the honor to remain, very respectfully, your obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES OF AMERICA,

Vienna, October 5, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch, No. 41, of date September 11, marked confidential, in which information is conveyed to me as to the attitude of the United States government in regard to the war now existing between the empire of France and the republic of Mexico.

I understand from the latter portion of the despatch that the representatives of the United States abroad are instructed not to engage in the political debates which the present unsettled aspect of the war in Mexico has elicited. Hitherto I have occasionally deemed it my duty, in my private and unofficial capacity, to give expression to the almost universal American sentiment as to the events in question, and as to the misfortunes which have come upon a republic, our nearest neighbor, through the invasion of a distant and powerful nation. Of course, I have never engaged in any political debates, as I am fully aware that the United States government has never, directly or indirectly, authorized me to that effect.

I have thought, however, that it might be useful for the department to be informed, from time to time, of what might transpire as to the candidacy of the Archduke Maximilian for the throne which it is proposed to erect in Mexico, or in that part of the republic which has been subdued by the armies of the French Emperor.

I regret that my last despatch, No. 35, conveyed incorrect information. Although I stated that the source of that information was not official, nor such as I could vouch for, while I relied myself on its correctness, yet I should not have transmitted it at all, except for strong reasons for my faith not now necessary to indicate.

At any rate, unless there has been some sudden change in the plans of the archduke, which I have no reason to suppose, it is obvious that the information was erroneous; for it now appears from the answer of his Imperial Highness to the deputation of "notables," a translation of which is herewith transmitted, that his ultimate acceptance of the offered crown is very problematical. The conditions laid down are such as have been intimated in all my previous despatches, excepting No. 35, and would seem very difficult of fulfilment. One would suppose, for instance, although it is not distinctly stated, that among the guarantees, that of England would be included, and it is difficult to imagine that this could be obtained.

As to Poland, and the probable results of the insurrection there, I see no reason to change the opinion hitherto expressed in this correspondence. A continuation of epistolary polemics between the three powers on one side and Russia on the other, would seem impossible after the last note from St. Petersburg,

and I have not heard of any intention on the part of the three powers to render any material aid to the insurgent Poles.

It is the universal opinion that peace between the four powers in question will be preserved for this year at least. A winter's campaign in the Baltic would hardly be practicable for France alone. There has been a talk of conferring belligerent rights on the insurgent Poles, as was done in the case of our insurgent slaveholders at the outbreak of their revolt; but this measure would have little effect unless it should be consented to by the great states bordering upon Poland—Austria and Prussia; and this consent I should consider impossible. It is true that the measure might enable Englishmen to build, equip, and man vessels-of-war, to sail from English ports, in order, under the Polish flag, to burn and rob Russian merchant ships on the high seas; but it is possible that the czar might not acquiesce in the doctrine maintained by some of the politicians and jurisconsults of England, that such practices are consistent with neutrality and international law. It is not easy to see, therefore, what practical service any proclamation in favor of the Poles would effect, unless the powers nearest the seat of war should unite in the measure.

In regard to our own affairs I should say that a considerable change had come over public opinion in Europe. It is no longer accepted as a fact, not to be gainsaid, that the so called confederacy of the slaveholders has a real existence; on the contrary, there is a prevalent feeling that an insurrection of individuals, although more formidable for its numbers, its courage, and the military and political skill with which its combinations have been directed, and the wide territory over which its influence was spread, is slowly but surely yielding before the arms and the policy of a great and free commonwealth, and this feeling does not diminish the respect with which our republic, despite the efforts of domestic traitors and foreign calumniators and intriguers, is regarded in Europe. When the dark days are over, and peace and union are restored to our distracted land, the American people, I trust, while it will be difficult for them to forget the efforts of their foreign traducers to injure as noble a cause as any for which mankind has ever sacrificed blood or treasure, will be still more sure to remember their friends. If it be noble to have maintained, at the expense of so many precious lives, the existence of our free republic, and to have insured the emancipation of an oppressed and deeply injured race, it will be doubly grateful for us to remember that, when the clouds were heaviest, the masses of those populations supposed to be most interested in the success of the slaveholding confederacy never faltered in their sympathy with the efforts of the free republic. The heroic attitude of the working classes of England, steadily withstanding the arts and misrepresentations of demagogues, will ever be cherished as a manifestation scarcely less sublime than the heroism with which Americans of all classes have been ready to lay down their lives that their own country might live; nor shall we ever forget that the journalists who have defended our cause among a host of enemies have been unsurpassed in the whole history of the periodical press, for knowledge, ability, and elevation of sentiment; that some of the most eloquent and honored of the public men of England have spoken words which have echoed in every American heart; and that the loftiest and most earnest thinkers both of England and the continent, the true and permanent guides of public thought, with scarce an exception, have expressed themselves in regard to the great revolution now going on in America with a wisdom and breadth of vision that do honor to the age.

In this empire, as I have more than once had the pleasure of stating, there have been no malevolent manifestations at any period. The points of political contact between us are not many, but the world of thought has no boundaries. If there has been any calumny or misrepresentation by the press of Vienna, it has entirely escaped my notice; while, on the other hand, the general tone of journalism has been respectful, and often very sympathetic. The ability and

knowledge of the public writers here, in dealing with foreign affairs, and especially with American matters, is very remarkable.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

TRIESTE, *October 3, (1863.)*

The Mexican deputation was received to-day by his imperial royal highness the Archduke Ferdinand Maximilian. The archduke answered the address of the deputation :

GENTLEMEN : I am deeply touched by the wishes which were expressed by the assembly of notables at Mexico, at their sitting of the 10th June, and which you have been charged to bring to me. It can only be flattering for our house that, at the first mention of the word monarchy, the eyes of your countrymen were at once turned to the race of Charles V. Although the task of assuring the independence and well-being of Mexico, by means of durable and free institutions, is a very noble one, still I must acknowledge, in full understanding with his majesty the Emperor of the French, whose glorious initiative makes the regeneration of your beautiful country possible, that the monarchy cannot be restored, on legitimate and lasting foundations, unless the whole nation, of its own free will, ratifies the wish of the capital. Therefore, I must make my acceptance of the throne which is offered to me depend, first, on the result of a vote of the entire country. On the other hand, my comprehension of the sacred duties of the ruler over the restored empire makes it necessary for me to ask for those guarantees which are indispensable to protect it from the dangers which threaten its integrity and independence. Should the assurances of a well-grounded security in the future be obtained, and should the universal choice of the noble Mexican people fall upon me, I shall be ready to accept the throne, supported by the acquiescence of the high chief of my family, and confiding in the protection of the Almighty. In case that I should be called by Providence to the high mission of civilization connected with this crown, I must, gentlemen, declare to you, even now, my firm determination, following the wise example of my imperial brother, to open to the country the path of progress founded on law and order, by means of a constitutional government, and as soon as the whole realm has been restored to peace, to seal the fundamental fact with the nation by my oath. Only in this way could a new and truly national policy be called into life, in which all parties, forgetting their ancient enmities, would help to raise Mexico to that conspicuous rank among the nations to which she would seem to be destined under a government which held as its highest principle to let moderation and law govern.

Gentlemen, will you communicate to your countrymen these resolutions, which I have freely imparted to you, and strive that it may be made possible to the nation to declare what government it wishes to see established.

Mr. Motley to Mr. Seward.

No. 37.]

LEGATION OF THE U. S. OF AMERICA AT VIENNA,
October 26, 1863.

SIR : I have the honor to acknowledge the receipt of your despatches Nos. 42, 43, and 44.

I beg herewith to enclose to you the translation of a communication just received from the imperial royal department of foreign affairs.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Translation.]

VIENNA, *October 6, 1863.*

The consuls of the United States of North America, in Venice and Trieste—the former under date October 28 and November 19, the latter November 17, 1862—have notified the imperial royal stadtholdership in Venice and the imperial royal central authorities in Trieste, respectively, that a new law of the United States empowers ships-of-war of such foreign countries as will reciprocate the favor, in certain cases therein specified, to purchase stores in the public magazines of the ports of the United States, free from any tax or duty whatever; and at the same time have inquired whether in the Austrian ports, lying within the jurisdiction of the said consular functionaries, ships-of-war belonging to the United States were already enjoying this privilege, or whether it would be allowed in future?

In relation to the said notice, the imperial royal foreign office has the honor, after due consultation with the proper imperial royal central authority, to communicate to the honorable legation of the United States and to place at its disposal the following information:

In the Austrian ports there are no public magazines from which ships obtain supplies.

As Venice, Trieste, Fiume, Buccari, Porto Re, and Zeugg are in fact free ports, and therefore lie outside the Austrian tariff limits, of course stores can be obtained in them free of duties. In the other Austrian ports all the freely marketable articles used for ships' stores are either Austrian or foreign productions; in the latter case they have already been taxed upon their importation into the tariff territory, and consequently are subjected to no further tax when they are taken on board ship—that is, out of the tariff territory—since no export duties are payable upon articles of food, drink, &c. Even productions of foreign origin, which in transitu are temporarily stored in the magazines of the customs, are only subjected to a small rate for storage as a remuneration for the use of the official warehouses at the time when they are removed and transported over the tariff boundaries, or on board a ship as stores, transit duties having been abolished in Austria. In adding the request that the honorable legation will transmit the information herein imparted to the government of the United States, the undersigned embraces the opportunity to renew to the same the assurance of his most perfect consideration.

For the minister of foreign affairs, the moderator of state,

MEYSENBERG.

Mr. Motley to Mr. Seward.

No. 38.]

LEGATION OF THE U. S. OF AMERICA AT VIENNA,
November 24, 1863.

SIR: I have the honor to acknowledge the receipt of your despatches, Nos. 45, 46, 47, and 48, of dates October 9, 20, 23, and 23, together with a copy of your despatch of date 23d October, 1863, addressed to Mr. Dayton.

This paper I took the earliest opportunity to place in the hands of Count Rechberg, at an interview a few days ago. He read it through with great attention, and then observed that it seemed to him a very moderate and statesmanlike despatch.

He asked if I would leave it with him, but as you had only instructed me to "make the contents known" to him, I did not consider myself justified in so doing, because of the confidential nature of the document, and because it was addressed not to me, but to our minister in Paris.

Our conversation on the matter was brief. He repeated what he had often said before, that the imperial government held itself aloof from the whole affair. Austria was a continental power, not a maritime power of the first magnitude, and could, therefore, send no ships or armies to Mexico to sustain the proposed empire.

I understood him to remark that it was hardly to be expected that the people or government of the United States would regard with sympathy the reappearance of a monarchical form of government in their neighborhood, but that, on the other hand, the right of Mexico to decide as to its own form of government was not to be disputed.

I replied that this right was the leading principle of all our policy, but that a real decision of a nation as to its form of government could never be made in the presence of foreign armies and navies.

The conversation then passed to other topics.

I suppose that there is no doubt of the archduke's expectation to leave for Mexico before next summer.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 39.]

LEGATION OF THE UNITED STATES OF AMERICA,

Vienna, November 24, 1863.

SIR: I beg to call your attention to a debate in the Austrian Reichsrath, a translation of which is herewith transmitted. The speeches of the two Gallician deputies, and the replies of Ministers Schmerling and Mesery, will give you a better view of the condition of things in Austrian Poland and of the attitude of the imperial government in the provinces, than could be furnished by any dissertation that I could write. You will judge for yourself of the probability of the imperial government ever joining with France, or any other power, in a war against Russia, in behalf of Poland, or of her even conferring belligerent rights on insurgents so close to her own frontier. Without the consent of Austria, of course any attempt to elevate them to the rank of belligerents would be futile.

The general impression in these regions is that the insurrection in Russian Poland is nearly exhausted. In the battles and skirmishes which have occurred of late, the Poles have been almost invariably defeated, and the entire downfall of their hopes of foreign assistance is fast reducing them to despair.

It is not thought that much service has been rendered to the cause of liberty or human progress by the vehement speeches and able despatches which the insurrection has called forth from other lands in profusion, while material aid was denied. Meantime, the proposition for a European congress has for a time stretched a veil over the terrible scenes of which that unhappy land has so long been the theatre, and which till recently absorbed the attention of Europe.

Now the world is busy discussing the project of a congress, and it is useless to comment upon the dexterity with which this proposition was so unexpectedly and dramatically presented, and the suddenness with which the Polish question has been transferred to the background. It is the common opinion that before this congress meets, if it ever should meet, Russia will have suppressed the Polish rebellion; but I have not heard of any other practical result that is even expected from the project.

So far as regards Austria, the dominant feeling is a desire for peace. During the past year considerable progress had been made on the new constitutional career of the empire. The wall of passive resistance had been breached in Transylvania, from which province the full quota of deputies, twenty-three (23) in number, had been but recently sent to the Reichsrath, and there were hopes that Croatia would follow the example, while even in Hungary there were symptoms of weariness and of a desire for reconciliation. The funds were gradually improving, a new loan had been negotiated on favorable terms, (at about par in paper currency,) and the agio on specie had fallen to nine or ten per cent.

The speech of the French Emperor has effected a sudden change in this sunny aspect of affairs. The commercial world has taken fright, and believes that nothing but war can come out of the congress, or out of a rejection of it. The funds are steadily falling, and the agio on silver has already reached 23 per cent., and people go about, both in the diplomatic world and outside of it, telling each other the most alarming stories.

Thus, if England and Austria should refuse to attend the proposed areopagus at Paris, then France, Italy, Russia, and Prussia would meet and remodel the map of Europe—that favorite pastime of politicians and potentates. France would, of course, be accommodated with the Rhine, and Prussia would be compensated with Hanover, Brunswick, and other pieces of property, to round off her domains. Italy would come into possession of Venetia, and Russia would be allowed to take possession of the Danubian principalities, and thus find herself further advanced towards Constantinople than before the Crimean war. Austria would be the victim, for it would be impossible for England, who has no army for continental purposes, to afford her any assistance.

These and many similar stories are repeated glibly from mouth to mouth, and there are even people found who believe in them. I give them to you as part of the gossip of the hour.

Meantime this government does not refuse the congress as a principle, but utterly rejects the proposition made so prominent in the French Emperor's speech, and received in the chamber with such enthusiasm, that the treaties of 1815 have ceased to exist. On the contrary, the treaties of Vienna are regarded here, not only as existing, but as the foundation of the public law and political geography of Europe, so far as they have not been modified by subsequent events. This is not dissimilar to the view taken, as I understand, by England. Neither Austria nor England will refuse the congress, but they will insist beforehand that a programme should be laid down of the measures likely to be discussed. This, for a variety of reasons, would seem a difficult task, for I am not aware that any power proposes to give up any portion of its own territory for the common good, nor to permit any intervention in its own private affairs. The public is rather inclined to expect, as the result of the proposition of the 5th November, a series of barren conferences, to be followed, perhaps, by war, or perhaps war without any conferences at all.

Meantime public attention is directed from unhappy Poland, and Paris is amused.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Debate on Gallician affairs.

[Document to accompany despatch No. 39.]

VIENNA, November 17, 1863.

FORTY-THIRD SESSION OF THE HOUSE OF DEPUTIES.

In the session of the deputies to-day the budget of the minister of police came up for discussion. Two speakers of the Polish faction embraced the opportunity to discourse upon the condition of things in Galicia.

Dr. DIETL. In the seventeenth session he and his political friends touched generally upon the illegal acts of which various executive officers, especially in connexion with Polish affairs, have been guilty in Galicia. At that time the minister of police replied that not a single fact was produced as a basis of the charge. Now, in this reply of the Polish minister lay a challenge, and this the speaker to-day accepts, and declares that he and the members of his party, on the first of the month, placed in the hands of the minister of state a memorial upon the illegalities in Galicia, to which document were appended, in ample numbers, the facts not produced on the former occasion. This memorial presents essentially five subjects of complaint, which, in the main, are matters relating to the police, viz: illegal arrests, illegal house-searches, encroachments of the imperial military and gens d'armes, the employment of peasants as guards and assistants at house-searches in the country, and inhuman conduct on the part of executive officials.

After having proved by such facts that justice in Galicia has been variously and seriously invaded, it is then shown that these infractions of the law can be justified neither by the bearing of the population, which is in all respects peaceful and loyal, nor by international considerations; for state laws, when not expressly declared inoperative, must under all circumstances retain their efficacy and be obeyed by the organs of government. It is finally intimated in the memorial that since the illegalities in Galicia can be justified neither through the conduct of the people nor from international considerations, these acts can have foundation in no other motive than the intention of making in Galicia common cause with Russia in repressing the Polish insurrection, but that such a complicity with Russia stands in the strangest contrast to the position which the government has assumed upon the Polish question in common with the western powers. Based upon the facts so presented, the petition was offered, "that justice, thus invaded in Galicia on the part of the officials, be restored through the checks imposed by the laws relating to personal freedom and house-right; that humane conduct be strictly enjoined upon the imperial officials, and especially upon those intrusted with arrests and house-searches; that the employment of the police be not allowed to the military, but intrusted only to authorities legally constituted for this purpose; and that, finally, peasant guards and an organized peasant police be given up, and for the future be most strictly forbidden."

Now, up to this moment no answer has been vouchsafed to this memorial—nay, not a hint in relation to what has become of it. He (the speaker) and his political friends see themselves under the necessity of offering to the police minister the well-grounded petition, that the action of the police in Galicia may be regulated in the sense of the memorial in such a manner that it may correspond to the demands of the law and humanity.

V. SCHMERLING, minister of state. The gentlemen deputies to the Reichsrath from Galicia have in fact, as just now stated by the last speaker, handed me a memorial which treats upon these asserted illegal assumptions of power which during some months past have taken place on the part of executive officials in Galicia. I have given this memorial an attentive examination, which has led

to further action upon it, in conjunction with my honored colleagues the ministers of police and justice, and precisely this attentive examination of the memorial has afforded me the comforting assurance that on the part of the imperial authorities, in the face of just such a condition of things as has now for nearly a year existed in Galicia, their course has in fact been one of great moderation. For if, under the circumstances which in fact now prevail, it is only shown that a number of the inferior executive officials have, perhaps, here and there in particular cases, somewhat overstepped the strict forms of the law, this must certainly be called, on the part of the authorities, a thoroughly satisfactory attitude. I have to-day no call to go into details upon the condition of things in Galicia. I should have no difficulty in laying before the house a mass of documents which exhibit, in the clearest light, the views of a certain party in Galicia, I need not produce these documents. Those gentlemen who only read the newspapers are, I have no doubt, sufficiently informed how it is in general with this very highly loyal attitude in Galicia; I say in general, because I gladly admit that the great majority in Galicia are opposed to the doings of this party. Without declaring what course the government really intends to take in respect to these events in Galicia, and whether its efforts are really intended to aid the Russian government in repressing the insurrection in Russian Poland, I confine myself to the simple declaration that what the imperial government is now doing in Galicia has this for its object, viz: the repression of a revolution in that dependency of the crown, the object of which is in the end to separate Galicia from the imperial state. (Applause in the centre and on the left.)

Deputy Dr. ZYBLIKIEWIOZ opposed the assertion of the minister that the authorities in Galicia had executed the laws with great moderation, and said: It is a legal condition of things in Galicia that during the past half year nightly visitations have been made, as in the time of the French revolution; that the bed-rooms of the women have not been spared; that their bed-clothes have been stripped from them, and they driven half naked from their beds; that their mattresses have been tumbled up and down, as though to find recruits against Russia under them, as did actually take place in the Solnowsky house with the wife of a citizen; that in such visitations bloodhounds—as in the American style against negroes—have been brought into the houses, as was the case not long since in Count Wodjick's house in Cracow! Is that a legal condition, when a man in his own neighborhood does not go out of his own room into the street without taking a card of identification? Is it a legal transaction when, as was the case last Thursday in Lemberg, the entrances to a coffee-house are beset with bayonets, when the police pushes into the halls and examines the visitors there, and drags away whomsoever it pleases? Is that a legal condition of things, when young people dare not come out of the cellars, like the early Christians in the time of Diocletian; when in the garden of Count Potocki a gun was fired at his cousin, as she was walking there in the evening; when above the heads of the mother and sister of Kirchmeier, deputy of the Reichsrath, bayonets and sabres suddenly flashed as they entered the front yard of their own country-seat? Is that a legal state of affairs, when they take from the people clothes, linen, bread—yes, even oranges and the like, and declare them contraband of war; when the police agent is allowed to cuff the ears of an innocent man, because he did not take off his cap to him, and still retain his place; or when it is free for a police officer to open the cells of the prisons, throw the inmates into chains, box their ears, and mishandle them in other ways?

Whether the government is responsible for all this the speaker did not know, but the provincial authorities act thus, and as proof he would cite various regulations of the Gallician authorities, from which it might be seen whether in fact the administration of justice was the rule in Galicia. Immediately after the outbreak of the Polish insurrection the president of the Gallician stadtholder-

ate issued an order to the effect that the Gallician boundary should be lined with gens d'armes and police guards; but they did not confine themselves to the gens d'armes and police, but called upon the communes for aid. This circumstance roused great anxiety among the country people, who believed that the order was one touching their property and lives, because they could not believe that such a regulation could be adopted for the safety of Russia. However, that was not all, for in an order of April 10, relating to stopping emigration into Poland for the revolution, the agents of the government were ordered to take every possible step to put an effectual stop to this emigration. "To this end," so says the order, "the local guards are to be strengthened; the local magistrates to be instructed to communicate every piece of information in the quickest possible manner to the authorities, who are, with all circumspection, immediately to seize upon the Polish recruits. With intelligent leaders, where no other aid is to be obtained, the necessary help may be demanded of the country people." (Hear, hear.) Through this order the men of property among the country people also had their fears excited, and seized their weapons, and the peasant populace seized their arms also, with a suddenness and wrath characteristic of the populace. In the Bochnia circuit eleven communes have thus risen, armed themselves, and rung the alarm bells. They everywhere believe that it is a matter involving their own property and lives, and none can see that it is a question of the safety of Russia. A further order commanded the strengthening of the night-watches in the villages, because in the present extraordinary times those who may be travelling at night must put up with being stopped and called upon for their papers of identification. Thus the passport system has been introduced and put under the charge of the night watchmen. Now, nobody in the land could provide himself with the proper travelling documents, because these instructions remained secret; nor could such documents protect any one, because the agents appointed, belonging to the rudest class of the people, could neither read nor write. (Sensation.) The stadtholderate, which had produced this state of things, then saw itself forced to take some action against it, and so appeared a stadtholder order as to how these acts of force of which the peasant guards had been guilty should be remedied. So long as the more substantial part of the population formed part of the police so organized, there was nothing to complain of; but as this industrious class observed that the only object was the safety of Russia, and therefore returned to their own occupations, none but the roughest portion of the people remained in the guard; and now the pot-house became a sort of tribunal, where the worthiest citizens who had occasion to travel were stopped, brought before this tribunal, and thereupon treated just as it happened to please these roughs. Many were mishandled; many were let off on payment of money. Evil passions threw off restraint to such a degree that women were stopped, and, under pretence that they might be disguised recruits, were actually subjected to bodily examination. Soon after a new regulation was adopted, that of the district patrols. This regulation hitherto in Galicia was only in force in desert places and against robbers or wild beasts; but this year it is enforced against those people who are only suspected of being recruits, by which again great abuses have been engendered. Soon, too, the stadtholderate found itself compelled to regulate these patrols, and so it was declared in an order in what manner it should be decided whether these patrols should be made; that is, the country to be patrolled must first be spied out, for it says in the order "that trustworthy herdsman and field watchmen, if they are rewarded when successful, may well be considered as proper persons." That is, to please Russia the spy system has been offered to the innocent masses as a business. Still, the provincial authorities were not satisfied, and the question came up, how, during these patrols, to bring the houses successively under revision. But it seems that many an agent of government found such harsh regulations offensive, and especially those relating to the pro-

tection of personal freedom and house-rights. So, now, this was the question, how to give the officials a dispensation from those laws; hence, to this end, a commentary upon the laws for protection of personal freedom and house-rights was actually promulgated in Galicia, in which it is said that these two laws offer no impediment to the proposed house revision. It also says such revisions shall only be undertaken in due and proper form. This form, however, according to the commentary, is, that the official who is to undertake such an examination must have beforehand a warrant from the authorities, not, however, directed against any specified house or person, but general, and for all unforeseen cases—a sort of *carte blanche*. But all these regulations seemed to the provincial authorities insufficient still, and hence patrolling columns of soldiery were introduced, which seem to have been clothed with extraordinary authority. Such patrols, led by under-officers, stop any traveller, enter houses, make examinations, and carry off any person or thing which to them has a suspicious appearance.

The speaker now turned to the remark of the minister of state, that the public feeling in Galicia was not such as had been pictured by Dr. Diett, and said: In fact, since Austria has held Galicia in her possession there has never been a period in which the feeling there was so favorable to the government as during the present year. Every ill feeling had disappeared; the most imbibittered had laid his hate aside, and not only in Galicia, but the Poles in all lands, looked with full confidence up to Austria. The government needed not repress inimical demonstrations against itself; we would ourselves be the first to crush them in the bud. What has made the government uneasy is the reports which have come to it from the provincial authorities. The character of these reports may be seen from a single example. At the time of Orsini's attempt against Emperor Napoleon, a road-builder in Galicia had obtained a license from the authorities to purchase at an auction powder for the blasting of rocks. Having obtained his license to purchase a hundred pounds of powder, he took it to the proper officials, the same who had had charge of the sale. Now, what did the head of this office do? He wrote to the government that a quantity of powder had been discovered; that a revolution was on the point of breaking out, and that it stood in immediate connexion with the attempt on Emperor Napoleon. Well, committees were sent out and the entire province put in commotion. But nobody found any store of powder, or discovered any revolution; but the official had gained his point. In Vienna it was believed that it was impossible to discover the plot, and yet through this report the central government was convinced that Galicia stood on a volcano.

After adding two other examples, showing how certain persons are determined to convince the government that Galicia is undermined by revolution, he said, in closing, What to-day are the circumstances of Galicia? Perhaps the feeling towards the government may have changed, and possibly may not now be as at the beginning I have painted it. That is possible; but judge ye whether the oppression which I have just pictured has been of a character to sustain the good policy for Austria? Nevertheless, we defend ourselves from any charge whatever of there having been any attempts against the Austrian government. These are only to be found in the officious correspondence—they exist only in the reports. We have not the right to demand that you believe us on our own word, but what is a right of ours and a duty of the government is that you listen to us and examine. If the government would only for once examine into the condition of Galicia! The commissioners whom the government has sent have applied to just those persons whom we point out as guilty; but that a guilty person should pronounce his own sentence, that has never occurred. Another sort of inquisition must be made. I, for instance, will only remark how I urged upon his excellency, the minister of state—when I proved to him that an intimate correspondence existed between Cracow and the secret

police in Warsaw—to send commissioners to Cracow and convince himself that Russian spies were not merely tolerated in Cracow, but even protected by the officials; how I gave the minister a copy of a document, which stated that the infamous Hermann—he was stabbed at Warsaw—was living in Cracow; that the chief of the stadtholderate had taken him under his protection, and that he made him the subject of a correspondence with the secret police at Warsaw; how I entreated the minister to send a committee to Cracow to examine the papers of this political commissioner, and see whether he was in fact in correspondence with the Russian police. Such examinations, although I pressed them upon the minister, were never undertaken; but when the object is to make ~~us~~ suspected, and to place the illegalities of Galicia in another light, *then* there is no hesitation in making them. I had more to say upon this matter, but, alas! my physical powers fail, and my moral strength is also in such a position far too much enfeebled. (Applause in the house and galleries.)

Vice-President V. HOFFNER desired the galleries to refrain from expressions of applause.

V. MECSERY, police minister. The gentleman who has just spoken has noted certain facts, and painted them in very lively colors, which, in his opinion, amount to infractions of the laws on the part of certain agents of the government in Galicia. As to facts, there is no other mode of treating them than to examine and prove them. Precisely these facts are doubtless recorded in the memorial to the minister of state, and their examination will first place the government in a position to judge of their importance. As to the general picture which the speaker has drawn, and which represents Galicia as a land in which pure arbitrary will rules—to this general picture I allow myself to oppose an equally general one of the actual condition of things, and my assertions are based upon documents which have been obtained in the several cases of arrest, and are now in the hands of the authorities. When a secret government exists in a country, and extends its branches over all the land, [hear, hear,] and reaches with its organs even into the communes; when this government, in every sense, assumes to act like the legitimate one; when it imposes taxes; when it sends out the printed forms of these taxes; when, in particular cases, it proceeds to threats of punishment; when in Cracow a military headquarters exists, a command which, together with its entire and very extensive registry, has been but lately abolished; when this command divides the city into districts, each of which had its supervisor; when the dwellings were conscribed; when the quartering of troops and the furnishing of draught-horses were ordered; when reports made to these headquarters are in our possession in which the national *gens d'armes* report upon persons whom they hold for suspicious, of course suspicious in the sense of the national government; when communications from military leaders of the insurgents to these headquarters are in our possession which demand that this or that person, for this or that offence, shall be brought before the Cracow court-martial—when such a condition of things obtains, I am of opinion it is an absolute duty of the government to meet it with all the means which the laws afford; and that those laws have been transgressed is a point to be first proved in each particular case. The bare narrative of the honorable deputy—notwithstanding I place all confidence in his words—is not sufficient to enable me, at least, to form a well-grounded judgment. If we now survey the condition of Galicia, as it has for some time appeared to any unprejudiced person, there appears, at the first glance, an immense concourse of strangers—a multitudinous congregation of suspicious foreigners without passports, and from all quarters. On the other hand there are the strangers' police and the registry regulations, which are the means given the authorities of meeting such an evil, and an evil it certainly is; but these legal regulations are certainly not made merely for the normal condition of things, just to enable us to read in the papers that this or that person has come to town; these

registry rules are laid down precisely for those moments in which it is of the highest moment for the public authorities to come to a knowledge of these strangers, who exert no unimportant influence upon the peace of the country. When, moreover, experience has shown that of ten such persons arrested eight at least are most certainly provided with false legitimization papers, I am of opinion the provisions are completely justified which have been made by the authorities, who sternly put in execution this branch of the administration of the laws. It has been stated that houses have often been searched, and that these examinations have been made in the night; yet, what shall be done under such circumstances, when it is clear that by day the individuals sought are not to be found? The process must take place in the night if the desired end is to be reached. I have thus, in general, and in few words, hinted that the condition of Galicia is by no means as rosy as it has been depicted by the honorable deputy. When, however, he says that the reports of the provincial authorities are as darkly colored only for the sake of frightening the central government, I can most emphatically utter the assurance that the government has no fears. It will not be scared from its duty to sustain, under all circumstances, the authority of the legitimate government, and to protect the peaceful portion of the population against the oppression which, should it long be continued, will plunge the land into ruin. (Bravo, from the centre and left.)

Dr. ZYBLIKIEWIEZ, deputy. I fear to trouble the house longer with this debate. I might, however, answer the minister of police instantly with my own paper, that which I have sent to the ministry of police. I shall find an opportunity to discuss the matter further.

Mr. Motley to Mr. Seward.

No. 40.]

LEGATION OF THE U. S. OF AMERICA AT VIENNA,

November 24, 1863.

SIR: There are symptoms that the German-Danish question in the duchies of Schleswig and Holstein, now pressing for its solution, after vain attempts for so many years to bury it, may lead to a European war.

The condition of affairs was critical before the death of King Frederick VII, which occurred on the 15th of this month.

Denmark has a total population of about 2,700,000; of which the duchies of Schleswig, Holstein, and Lauenburg are, in round numbers, a million, or considerably more than one-third of the whole.

Holstein is, actually and undoubtedly, German in population and in feeling; and King Frederick, in his capacity of Duke of Holstein, was a member of the German confederation.

Schleswig is neither historically nor politically a constituent part of what is commonly called Germany, and is not represented at the Frankfort Diet, but it has a considerable German population, among whom the recent efforts on the part of the government to consolidate its power, and give preponderance to the Danish element in schools, churches, and the public service, has produced much dissatisfaction, and called forth loud complaints of tyranny and ill usage. Born German Schleswegers here, to my knowledge, complained that they were treated more cruelly than the Poles in Russia, or than the slaves in the southern States of America.

This is doubtless a figure of speech, but it illustrates the exasperation of feeling which exists. These outcries have awakened a universal sympathy throughout Germany, where, to judge from the language of the press and of conversation, there is no difference of opinion on this matter, every man, from prince to peasant, feeling with equal keenness in regard to it.

On the other hand, the government, feeling that its national existence was at stake—for without the duchies Denmark could hardly rank as an independent kingdom—and that the gravitation of this portion of its domain towards Germany should be checked at all hazards, proceeded with stringent measures in regard both to Schleswig and to Holstein, which called forth remonstrances from the German Diet, and led to a sharp correspondence between that body and the Danish government. The events, as they have developed themselves during the past year, have doubtless attracted your attention; so that, without going into details, or expressing any opinion as to the merits of the question, I need only remind you that, at last, the Frankfort Diet formally notified the Danish government that unless its decree of 30th March last should be revoked, which the Diet had declared to be a violation of the laws of the German confederation and of treaty stipulations, troops would be sent from Germany to occupy the duchy of Holstein, in order to execute this declaration of the Diet, and keep possession until the desired revocation. The Danish government replied that the decree itself was provisional, but it proceeded to mature a constitution for Denmark-Schleswig, incorporating that duchy with the kingdom, and to maintain in form certain objectionable regulations in Holstein.

This constitution, being ultra-Danish in its character, was considered as embodying and perpetuating the principles of the 30th March decree, and as violating engagements formally entered into by Denmark, and the Diet resolved to proceed with the execution if the new constitution should be signed by the king.

That constitution was drawn up and ready to be signed on the 13th of the present month, but the king, who had for some time been ailing, was unable to attend to business. On the 15th the world was startled by the news of his death.

The sensation was as great as that which a week before had been caused by the speech from the French throne. At first, however, it was hoped by many that the accession of the new king would produce a favorable change. It would obviously be not only courteous but necessary to pause in the execution until Christian IX. should develop his policy. He might refuse to sign the constitution, which his predecessor had been prevented by death from signing. He might remove his ministers, dissolve his parliament, and exchange ultra-Danish proceedings for more German measures. But should he incline to do this, it was at once evident that he would forfeit his crown before he had time to put it on his head. After a very brief interval of reflection, he yielded to the pressure of the Danes, signed the constitution, and retained his ministers.

There is no reason, therefore, why the execution should not be proceeded with at once. And the news to-day is that the Saxon and Hanoverian contingents are about to march towards Holstein, while the popular excitement throughout Germany is very great. It is said and hoped that this measure will not be accepted by the Danish government as an act of war; but I have it on excellent authority that it will recall its legations from the German courts as soon as the execution shall take place. Whether this be true or not, time will soon show. It will be seen, too, whether England and France will take part with Denmark in resisting by force of arms the execution, or whether they will counsel and compel her to avoid war by prudent concessions. Denmark takes the ground that she has conceded and parleyed and argued enough, and that if her existence be, as the great powers have avowed, a political necessity, it is time that they help her to maintain that existence by something stronger than words.

The governments of Prussia and Austria are the more ready now to go on with the execution, because the death of the last sovereign, whose claim was undisputed, has opened a new question, which, it was hoped, had been settled by the protocol of 1852; for it must not be forgotten that the execution ques-

ion is an entirely distinct one from the question of succession, although both threaten a European war. I have no desire to examine the merits of the succession question, and I shall only very briefly recall to your remembrance one or two leading facts.

The protocol of 1852, by which the Duke of Schleswig-Glücksburg was declared the successor of the childless King Frederick VII, who has just died, was signed not only by England, France, and Russia, but by Austria and Prussia. The protocol was distinctly stated to have for its object the maintenance of the integrity of the Danish monarchy, as a European necessity. It did not affect to untie the legal knot of succession to the duchies of Schleswig, Lauenburg, and Holstein, which centuries of intermarriages had made nearly insoluble, but it cut it in pieces. A large number of claimants to the heritage of these provinces were at once set aside, so far as the protocol could do it; and the most prominent of them, the Duke of Schleswig-Augustenburg, renounced his pretensions in his own name and in that of his descendants. He also received three millions of thalers, but whether as compensation for his claims or for his private estates in the duchies is, I believe, like everything else, a matter of dispute.

The protocol, however, although signed by Austria and Prussia as European powers, was never sanctioned by the estates of the provinces in question, nor by the German Bund. Bavaria, indeed, and one or two other small powers, protested against it at the time; and it has always been anticipated that the death of Frederick VII would bring about the commotions in Germany which are now taking place.

Yet it has been rather the fashion in Europe to sneer at the Schleswig-Holstein question, as the embodiment of all that was tedious and incomprehensible, and to shove it aside for what were considered graver matters. It now rises again with a more menacing aspect than ever out of the grave of the late king, and will not be so easily exorcised. It may now cost thousands of lives before it will consent to vanish.

The Prince of Schleswig, Augustenburg, son of the duke who renounced his family rights, has formally assumed the title of Duke of Schleswig-Holstein, announced his accession to the estates, and summoned the Bund to recognize his plenipotentiary at the Diet as the rightful representative of Holstein and Lauenburg. Several of the lesser German sovereignties, as Baden, Coburg, Altenburg, and others, have expressed their intention of supporting him; and the question has already been put in the hands of a committee at a meeting of the Diet.

His supporters speak fluently of his legal claim to the duchies as unquestionable. I should say that all that was unquestionable was, that, if German law prevails in the duchies, the female branch, and those claiming through females, cannot succeed; and that, therefore, the right of Christian IX, and with it the integrity of the Danish monarchy, rests entirely upon the protocol, and upon the vigor with which it is defended by the sword of Denmark and her allies. But to say, on the other hand, that the claims of the Augustenburgs are unquestionable, is to speak specifically. There are many claimants not only to each of the three duchies, but to separate portions of each duchy, the most formidable among which heirs-at-law to a part at least of the property is the Czar of Russia as chief of the house of Holstein-Gottorp.

Moreover, it is maintained that in Schleswig it was arranged centuries ago by formal instruments, with every legal sanction, that the succession to that duchy should follow the succession to the Danish crown. In short, any one who has ever studied law or history must recognize at a glance that this is exactly one of those questions which might occupy all the jurisconsults and genealogists of Europe for the rest of this century, before it could be settled beyond possibility of cavil, and which, if it regarded a private estate, would be sure to be kept in

chancery until the whole property was consumed, and two or three generations of claimants had died of starvation.

I have, therefore, not the faintest intention of examining the merits of the case; and it would certainly be a marvellous spectacle if all Europe, in this age of the world, were to be plunged into a sanguinary and protracted struggle to settle such a lawsuit.

One would have thought that the time had gone by for wars of succession; but they must, perhaps, periodically recur, as results of the European principle, that great countries, with all their inhabitants, are the private property of a small number of privileged families.

The probable attitude of the great powers on this question is far more important than the legal aspects of the case. Austria and Prussia signed the protocol, but it is contended that they did not sign it as members of the Bund, but only as European powers. Moreover, Austria and Prussia might easily be outvoted in a plenary sitting of the Diet. Practically, however, it is absurd to suppose that the Bund could take active war measures, or active measures of any kind, without the consent of these two great constituents. The Germanic Confederation, even with Austria and Prussia, is but a political shadow. Without them it is not even the shadow of a shade.

As a matter of fact, the Austrian government is most anxious to recognize Christian IX as Duke of Schleswig, Holstein, and Lauenburg, and to maintain the Danish monarchy in its entirety. It also desires to act in concurrence with Prussia on this question. Up to the moment of this writing, however, Prussia has not yet answered a proposition of Austria to this effect, and has not yet shown its hand.

Meantime, to judge by the almost universal language of the German press, and by excited speeches made by prominent members of the liberal party to the National German Union League, and to enthusiastic mass meetings, embracing six to ten thousand, (according to reports,) in Hamburg, Hanover, Frankfurt, and other places, the German feeling is rising to fever heat. It is loudly proclaimed that the hour has at last struck for delivering a million of German brethren from Danish oppression, and for reannexing to the fatherland these duchies, which are once for all to be now separated forever from Denmark.

The chronic rivalry between Austria and Prussia for the leadership of Germany makes it difficult and dangerous for either power to balk this German enthusiasm in its first effervescence, and to confront this strong manifestation in favor of the Augustenburg as the legal proprietor and master of the duchies and all their inhabitants—who thus, by an odd combination of circumstances, appears at once as the standard-bearer of the most antiquated legitimacy, and the representative of the great principle of German nationality and popular rights.

The moment is an anxious one. How can the Bund make, or even contemplate, war with Denmark, backed up certainly by England, and probably by France and Russia? Yet how can all this Germanism be got to bubble quietly away, and subside without any blood-letting?

On the other hand, how, in case of the Bund's proceeding to actual hostilities, can England tolerate the immense damage to her commerce which would be caused by the blockading by Denmark of Hamburg, Bremen, and other German ports in the North sea? It is useless to deny the existence of a very widespread desire among the inhabitants of Germany to sever the duchies from Denmark; and this desire is encouraged and shared in by many of the less important sovereigns of the country. Should this desire ripen into determination, it is possible that the people may compel the leading German powers to place themselves at the head of the movement. In this case Denmark must fight for the protocol, and be supported in so doing by other powers, or it must cease to exist. The Austrian government is anxious to stand by the protocol, and recog-

nize Christian IX as sovereign over all the realms of his predecessor, but Prussia still hesitates.

Meantime the supreme tribunal of Holstein has refused the oath of allegiance to the new king, an expression of a legal opinion the gravity of which cannot be gainsaid.

I shall say no more to-day, except that Europe is likely to have enough on its hands at home during the coming year, and that certain of the great powers are likely to check that periodical and mischievous desire for intermeddling in our affairs which is so apt to break out when the cisatlantic world is comparatively tranquil.

We have it on the high authority of the Emperor Napoleon that the political fabric of Europe is dilapidated—that its foundations are crumbling in all directions. Since those words were spoken a great war threatens to desolate Europe in order to settle the comparative value of a protocol, signed a dozen years ago, by the representatives of half a dozen kings, and a series of musty parchments centuries old. A lawsuit about a meagre province of puny proportions in the North sea is about to set Europe in flames, while already a congress has been called to avert a war in another direction, and nobody believes in its efficacy. In the last dozen years there have already been two great European wars, besides lesser and more distant ones, which are chronic, carried on by the leading powers. Not a great power of them all but holds in subjection by force of arms millions of mankind, alien to their language, their race, or their religion. One great monarchy bombards and burns populous cities at one end of the earth, every inhabitant of which is innocent of any thought of offence against the bombarding nation; another great monarchy carries fire and sword into a republic at the other end of the world, and seeks to subjugate it by force of arms and convert it into an empire; meantime the whole surface of Europe conceals smouldering revolutionary fires, which are likely to find vent at any moment and in any direction; while the fear of such outbreaks, combined with the perpetual rivalries and international hatreds of hostile dynasties and nations, necessitates enormous armaments by land and sea, even in times of peace, which cripple the energies, exhaust the resources, and sicken the hearts of the people. A contemplation of European politics leads us to the sincere prayer that America may never be Europeanized.

I may be oversanguine, but a doubt has not yet crossed my mind that the American republic, based upon constitutional law, popular self-government, and the great principles of reason and justice, will suppress an insurrection made for the perpetuation and extension of African slavery, and for the abrogation of the first principles of freedom. I expect as much to see the sun set at noonday as to witness the destruction of our noble commonwealth and its dismemberment into a jarring, warring Europe, without the historical excuses of Europe.

The American people will carry on its righteous war of self-defence so long as a single rebel remains in arms to threaten the national existence, or to extend and perpetuate the accursed institution out of which all our misery has flowed. When that blessed result, which cannot now be far off, is reached, America may justly hope for centuries of peace, prosperity, and power; while if we fail our future is endless war. Meantime Europe, occupied with its own dynastic wars, in which the people have no part, will have less time just now to read us moral lectures on the blessings of peace.

I have the honor to remain, respectfully, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 41.]

LEGATION OF THE U. S. OF AMERICA AT VIENNA,

December 1, 1863.

SIR: I have no special facts to report since my despatch of last week, but it cannot be denied that the aspect of affairs in Europe becomes every day more threatening.

There is but little said now of the Polish insurrection, which is considered as having been virtually suppressed by the superior force of the Russian government. The result of the many months of diplomatic correspondence on the part of the three great powers with Russia has been to excite hopes which were never to be fulfilled and enmities not easy to allay.

Any other issue could hardly have been anticipated when one of the three intervening powers had distinctly stated that she would never draw the sword in the dispute, and when it was quite obvious that such declarations on the part of one of the others would have been quite superfluous.

I beg to call your particular attention to the debate in the Austrian Reichsrath, a translation of which is appended to my despatch No. 39, from which you will see that for the imperial government of Austria to take part in a war against Russia in the cause of Poland has always been an impossibility. The result of intervention by words and letters has been, therefore, the reverse of beneficial. In the words of the Emperor Napoleon, "the steps of England, of Austria, and of France, in place of arresting the struggle, have only envenomed it." (Speech of November 5.) The refusal of the English government to accept the proposition of a European congress would seem to make the fulfilment of that project hopeless; indeed, it would seem, *a priori*, to have been hopeless. The sovereigns of Europe were invited to consult together in person upon the great questions which agitate Europe. It was understood that, among others, the Italian question, the German-Danish question, the Polish question, and the Danubian principality question, were to be discussed. But is it possible to imagine the King of Italy, the Emperor of Austria, and the Pope amicably discussing the Italian question? Can any one dream that King Victor Emanuel would agree to restore the provinces which he has acquired at the expense of the Papal see and of Austria, or that he would solemnly renounce in the face of the world the cherished hopes of the Italian people to obtain possession of Rome and of Venetia? Can any one imagine, on the other hand, that the Pope would recognize the possession by that potentate of those portions already acquired by him of the patrimony of St. Peter, or would in advance surrender Rome; or that the Emperor of Austria would entertain a proposition to abandon Venice, or the Italian Tyrol? Or could anything more unlikely be suggested than that the German Bund would submit what it considers a purely German question to the arbitration of foreign powers?

If such questions can be settled amicably by sovereigns or their plenipotentiaries around a green table, the millennium is much nearer than one would, from any other symptom, suppose it to be. I fear, therefore, that the general consultation to devise a panacea for those fatal diseases which, according to the alarming description of the French Emperor, now afflict the body politic of Europe, is not likely to be held. It is now understood that this empire has not declined the congress "in principle," but wishes a preliminary programme, and similar evasive acceptances by the other leading powers would seem equivalent to a refusal.

Thus this hemisphere is to remain in the desperate condition in which it found itself, according to such high authority, on the 5th of November—"Europe is laboring on all sides with the elements of dissolution. * * * * * The edifice is undermined by time, and destroyed piecemeal by revolution. * * *

• • The state of things is deranged and ruinous, • • • and crumbling away." (Speech of November 5 of French Emperor.)

The pregnant questions addressed to the rulers of this part of the world by the same sovereign—"Shall the jealous rivalry of the great powers forever hinder the progress of civilization? Shall we always keep up mutual distrust by excessive armaments? Are we to exhaust the most precious resources indefinitely in a vain ostentation of our forces? Are we to preserve forever a state of things which is neither peace with its security, nor war with its chances of success?"—are not likely to receive satisfactory answers. It is for the powers who do not accept the congress to reply to the taunt that their "refusal leaves room to suspect the existence of secret projects that will not bear the light of day."

Under these circumstances it may be thought that it will require all the wisdom of European rulers to regulate their own affairs, thus officially declared to be hopelessly tending to ruin, and that we may be saved during the coming year from any interference on their part in our business.

I had hoped to send you by this post something definite in regard to the attitude of the Austrian government in the Schleswig-Holstein matter. A statement is daily expected in the Reichsrath from the minister of foreign affairs, but it has not yet been made.

On the constitutional question it may be said that no difference of opinion exists in Germany.

The Bund will unanimously carry out by force its decision that the new Danish constitution is unlawful. The decree of execution and occupation of Holstein has, however, not yet been made by the Diet, because precedence has been in a certain sense given to the succession question.

The Diet has just voted not to receive the Danish minister as representative of Holstein. Thus the question as to the rightful successor to the duchies is declared to be in suspense.

There are unofficial indications also of a willingness on the part of Austria and Prussia to conform to a majority of the Diet, when it comes to a vote on the succession question. In that case the whole force of the Bund would proceed to occupy Holstein, not only in order to protect that duchy against the imposition of the constitution, pronounced unlawful by the Bund, but in order to hold the territory until it shall be decided who is its rightful sovereign. The excitement in Germany on the subject is widespread and increasing. On the other hand, it is difficult to see how Denmark can help resisting this invasion by defending her fortresses and by aggressive maritime measures. This would be war, and it will then be for England to decide whether the maintenance of the integrity of the Danish monarchy is a sufficient cause for her to engage in hostilities with the Bund.

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 42.]

LEGATION OF THE U. S. OF AMERICA AT VIENNA,

December 8, 1863.

SIR: I transmit in this despatch a translation of Count Rechberg's statement in the Reichsrath, on the 4th of this month, in regard to the Schleswig-Holstein matter. You will perceive that the imperial government takes the

ground that it is bound by the London protocol of 1852, which it signed as a European power. In this course it is acting in harmony with the Prussian government, whose position has already been announced.

The Austrian government maintains, however, that the stipulations entered into by Denmark in regard to the government of the duchies, which preceded and formed the base of the London treaty, are with the protocol itself parts of an indivisible whole. As these stipulations have been violated on the part of Denmark, by the 30th March decree, and by the new constitution in which the provisions of that decree have been subsequently embodied, the Austrian government, in common with Prussia, has decided to urge upon the Bund the necessity of sending a force into Holstein to execute the laws of the Bund; to fulfil, in short, the execution voted by the Diet before the death of Frederick VII.

In this position, as you are doubtless aware, Prussia and Austria are far behind the desires of the rest of the German states. They are also behind the aspirations of the great majority of the public of Prussia and Austria, so far as those sentiments can be ascertained by the tone of the press and of popular assemblies.

The Prussian Chamber of Deputies has just adopted resolutions, by a majority of 231 to 63, that the Duke of Augustenburg has an unquestionable claim to the government of the duchies; that not the German Bund, nor the estates of Schleswig-Holstein, nor the male heirs of the house of Oldenburg, have ever acceded to the decision of the London treaty of 1852, that no ruler can be imposed by foreign powers upon a German race against its own will and against constitutional laws; that Denmark, by violation of its own engagements, and by oppression of the German population in Schleswig, has forfeited all claim to the protection of the London treaty, and released the German powers from all obligations to sustain it; and that, therefore, the continued presence of the Danish troops in Holstein is a foreign invasion of German territory; that the honor and interest of Germany require that all German states should protect the rights of the duchies, recognize the Duke of Augustenburg as Duke of Schleswig-Holstein, and give him requisite assistance in enforcing these rights. These resolutions embody, I should think, the sentiments of a large majority of the population of Germany as at present manifested, and the governments of nearly all the other states of the Bund would be ready to urge upon the Diet immediate action upon this basis.

In short, the Austrian and Prussian governments have declared simply for execution, or an enforcement by Bund troops of the violated laws of the Bund and of treaty stipulations; while the rest of Germany, including a majority of Austrian and Prussian subjects, are believed to be in favor of the occupation and sequestration of the duchies, until the competent Bund tribunal shall decide the question of succession.

Execution is recognition of Christian IX as legal sovereign of the duchies, whether the point be technically reserved or not, say the opponents of this policy. Sequestration, with possible dismemberment of the Danish monarchy, is breach of faith, say the Austrian and Prussian governments.

The German Bund is bound by no faith nor treaty to sustain the integrity of Denmark, is the reply; and foreign powers have no right to exercise authority over German territory.

Austria and Prussia as European powers signed the treaty of 1852; but as members of the Bund they are bound to submit to the decisions of the majority of the Bund. That majority may possibly decide in favor of sequestration.

The debate which followed upon Count Rechberg's exposition of his policy lasted four hours, and was a far more excited one than ever before occurred in the Reicherath. The minister was obliged to contend single-handed against the assaults of many of the ablest members of the house; and the position of govern-

ment was vehemently assailed, not only by its ancient foes, but by others who were formerly its staunch supporters.

I send journals containing reports of the debate, in case you may desire to examine it. It would have been impossible for me to send a translation in time, and, moreover, the packet would have been too bulky. The tone and general bearing of the argument you may gather from my despatches; but I regret not being able to give you the text of the speeches, which were often excellent specimens of forensic eloquence. Had a vote been taken, which in the manner in which the case came up was not possible, it is supposed that at least as large a majority would have been obtained as in the Prussian chamber in favor of sequestration, and consequently against the measures of the government. All the speakers were in opposition, and each was disposed to outvie the other in giving expression to the most intense Germanism.

What is most interesting to a spectator, and especially to an American, in the whole affair, is its bearing on the question of Germanic union. The great mass of the German people, and all its rulers except the Emperor of Austria and the King of Prussia, are disposed to make use of this occasion to wrest forever from the jurisdiction of a foreign sovereign these integral portions of German territory, and to denounce by something stronger than words the pretension of the great European powers to exercise authority or enact statutes in regard to German soil. It is the Pentarchy against United Germany; and it is now for the Austrian and Prussian governments to decide whether their position as members of the Pentarchy or of the German Bund is most valuable to them.

As to the Prussian government, its choice has not been doubtful. It hardly affects much veneration for the Bund, and treats with hardly disguised scorn the idea that the petty princes of Germany or a majority of its people should outweigh in the Diet the decisions of a great European monarchy.

But the Austrian government, which so lately was obtaining great popularity by its striking attempt to draw closer the bonds which unite the sovereigns and the peoples of Germany, is likely to cause a general and bitter disappointment, should its course, on what the national party considers a crucial matter, seem as anti-German as that of the Prussian monarchy.

As to the practical issue, it is not possible to predict it until the vote of the Diet shall be taken, which, however, cannot be delayed much longer. Austria and Prussia will naturally do their utmost to obtain a vote for execution, and not for sequestration. Should the Diet by a majority insist on sequestration, there are no indications that Austria and Prussia will submit to that majority. Should they refuse, is it not a proof that the Bund is a sham, that it is without vitality, and that it is quite time to bury it decently? Will it not be an additional proof, if any were wanting by Americans, that the theory of State rights, of independent sovereignties forming part of a common whole, is an impossible one? The wisdom of our fathers changed our Confederacy into a Union. Our States are fortunately not sovereign, and have no claim to be recognized as such in the general family of nations. That useful position is reserved to the United Republic alone. But here is a great kingdom and a mighty empire signing, as world powers, a treaty which, as members of a confederacy, they may be called upon to repudiate. Naturally they feel bound in honor to maintain their plighted faith. Yet if the confederacy cannot compel its members to obey its decrees, it proclaims its impotence to the world. Will the great object at which the imperial government is aiming, to avert war on the Schleswig-Holstein question, be attained?

The impression seems to be as general just now that war may be avoided, as it was a few days ago, that war was inevitable. Yet I do not see what has happened to make a pacific result very probable.

If execution takes place, precisely the same state of things will exist which,

before the death of the late king, seemed about to bring on a war. But in face of the graver question which the popular excitement in Germany has now raised—before the new king has been recognized by the Bund—it is believed that the course of Austria and Prussia is really protective and conciliatory to Denmark. Not only these powers but the others who signed the protocol are supposed to be putting great pressure upon the Danish government in order to induce it to submit peaceably to the execution, and to make the necessary concessions. But although politicians are often illogical, events are never so; and it is difficult to understand how the king can withdraw a constitution which he has just signed and promulgated, and which he signed under the pressure of an impending revolt in his own capital. Will not the Danish excitement be increased rather than awed by the presence of German troops in Holstein, and by the passionate denunciations of Denmark with which all Germany is ringing? Will not the king, obliged to choose between an insurrection in his kingdom and a war with all Germany, draw the sword, however outmatched he may be at the outset? And if blows are once struck, will not the same European necessity for the integrity of Denmark, which was the basis of the protocol of 1852, compel England, notwithstanding her pacific counsels to Denmark, to come to the rescue of that monarchy at last, which otherwise would not only be dismembered but annihilated? I confess that the way does not seem to me very clear to a pacific adjustment, even although hostilities may for a time be deferred.

I have the honor to be, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

P. S.—Since the above was written, the telegraph brings information that the 30th March decree has been proclaimed by the King of Denmark to be no longer in force, and there is even a report that a proposal to suspend the constitution until January 1, 1865, will be made to the Chambers. On the other hand, we are informed from Frankfort that the Diet, by a small majority, has voted for execution under reserve of the succession question, and that the order to march has been given to the Bund troops.

Whether the first-named concession on the part of Denmark is enough to avert war; whether the reported design as to the second be really entertained; and whether the diplomatic victory obtained by Austria and Prussia at Frankfort will calm or increase the agitation in Germany, time will soon show. The crisis must occur ere long.

J. L. M.

Speech of Count Rechberg.

[Document to accompany despatch No. 42.]

VIENNA, December 4, 1863.

In the session of the Chamber of Deputies to-day his excellency Count Rechberg, minister for foreign affairs, answered the interpellation of deputy Dr. Rechbauer and his colleagues as follows:

COUNT RECHBERG. It is known to the high assembly that the execution of the Bund in Holstein was already on the point of taking place, when, by the death of King Frederick VII, the German-Danish dispute assumed the proportions of a serious European complication. A succession question, touching the territorial condition of Europe, arose unexpectedly at the same moment, in which the German Bund was about, by a military occupation of Holstein and

Lauenburg, to obtain for itself the exercise of those rights which for ten years have been persistently infringed by the royal Danish government. The two great German powers stand in exactly the same position with regard to this complication, and the imperial government holds that, before all things, it is desirable and important, as a member of the Bund, and as an independent power, not to act without the fullest understanding with Prussia. To my satisfaction I can announce that the views of the royal Prussian government agree with our own, and I can assert that it is the joint resolution of Austria and Prussia to hold to the following points: The treaty which was concluded in London, on the 8th of May, 1852, between Austria, France, Great Britain, Prussia, Russia and Sweden, on the one side, and Denmark on the other, and which was ratified by his Majesty the Emperor on the 24th of the same month, and which was later joined by many other governments, including several German ones, by formal acts of accession, founded for all those who took part in its positive obligations under international law. Austria and Prussia cannot, therefore, at once, and certainly not in their quality of European powers, be freed from these obligations by the mere fact that the German Bund was not asked to adhere to the London treaty.

In their voting in Frankfort they cannot put themselves in opposition to those obligations towards Denmark into which they entered in accord with nearly the whole of Europe. The real state of the treaty obligations between the German powers and Denmark was, however, not to be looked for in the London treaty alone. A long series of negotiations as to the constitutional position of the duchies of Schleswig-Holstein and Lauenburg in the United Danish monarchy had preceded the treaty.

Austria had declared most positively in these negotiations, that it was not disposed to interest itself in a European sanction of the principle of the integrity of the Danish monarchy, and in the establishment of this principle by means of a settled succession, until the German powers had obtained the assurances which they considered just and right for the maintenance of the rights of Germany and of the duchies, and for the protection of German nationality. It was not until Denmark had decided, in December, 1851, to bind itself to fulfil these demands, that Austria and Prussia offered their hands to join those negotiations in London which resulted in the treaty of the 8th of May, 1852. It is true that the Article III of this treaty contains only a general provision that the mutual rights and obligations in regard to the duchies of Holstein and Lauenburg, proceeding from the action of the Bund in 1815 and from the existing rights of the Bund, should not be altered by this treaty. There is no mention here of the stipulations of 1851. They are not taken up as a particular condition in the London treaty, which bears the signatures of so many other powers who have no share in the question of the constitution of the Danish monarchy, but, notwithstanding, they contain demonstrably the assumption upon which the German powers agreed to the London treaty. In the relations between Germany and Denmark they, therefore, form a whole with that treaty, and the imperial government is therefore of opinion that if Denmark appeals to the London treaty in regard to Prussia and Austria, Prussia and Austria will be justified in answering that Denmark must fulfil the stipulation upon which the treaty obligations now called in question undoubtedly rest. This case is before us at the present moment. Already, during the reign of the predecessor of King Christian IX, the courts of Copenhagen had, as I have already said, exhausted the patience of Germany; and unfortunately the new sovereign, in spite of the most earnest remonstrances, and in spite of many warning voices, which were not even wanting in the Danish Reichsrath, has signalized the beginning of his reign by a formal breach of the agreements of 1851. Under these circumstances, Austria and Prussia have declared at Frankfort for the suspension of the Holstein vote, and they are of opinion that in the face of such open provocation

the Bund owes it to itself to proceed, without any further delay, to carry out the execution which has already been decided on. Nor does the pretext that this measure contains within itself a recognition of the legitimacy of the government of King Christian IX in Holstein and Lauenburg seem to them by any means tenable, as an especial reserve of the right to try the question of succession can be connected with a resolution to carry out the execution without delay. They have repeatedly and earnestly announced such a resolution. Moreover, the imperial government having persuaded itself that, in order to insure the carrying out of the execution, it was necessary that Austrian and Prussian troops should share in the formation of the first reserve, had given to the imperial military plenipotentiary, Major General Baron Rzikowski, the necessary orders for the purpose, and empowered him to declare that, at the first notice from Frankfort, Austria would be ready to send the number of troops asked for to the lower Elbe. Such being the condition of things, therefore, the imperial government cannot doubt that the German Bund will now have a powerful and decisive reckoning with the system which has too long prevailed with Copenhagen, and which infringes the rights and the self-respect of Germany, and it will do its part in the faithful and self-sacrificing performance of its duties to the Bund, that in future there may be no further question of a disregard of the constitutional rights of the duchies, which are under the protection of the Bund. It acts, moreover, in the conviction that the non-German great powers will not refuse their recognition of the justice of the demand, which the Bund is entitled to enforce by the arrangement of 1851, and that, therefore, peace will not be disturbed by the execution in Holstein. But as the imperial government declines all responsibility for any further delay in the carrying out of the execution, it cannot, on the other hand, make itself responsible for a premature and forcible interference in the succession question. For in this last question the right does not present itself as clearly and openly as in the constitutional question. On the contrary, the right is here a matter of dispute on all sides; and however the London treaty may be judged, this much is certain, that this treaty would never have been concluded if the Duke of Augustenburg had possessed a clear and undoubted right to the succession of all Schleswig and all Holstein. From the point of view of the Bund which did not adhere to the London treaty, the question of succession must be thoroughly and legally proved. Inasmuch as it is here, 1st, the question of a formal judicial tribunal, the competency of which, moreover, cannot extend itself beyond the limits of the Bund, it is not fitting to forestall opposition by an *ex parte* proceeding against the possessor *de facto*; inasmuch as, 2d, it is here the question of the political position which the Bund is to take in a European question in its quality of a united power, it must convince itself of the justice of the cause which it desires to sustain, for it is certainly not allowable to confound simple wishes, even when they spring from the purest patriotism, with positive rights. The more decidedly, however, the imperial government recognizes such an examination as the right duty of the Bund, the more carefully I think it necessary, in this high assembly, to withhold myself from any expression which might be considered as an opinion as to the worth of the different claims which would be all put forward in case the London treaty should not be carried out. Only in regard to the Duchy of Lauenburg, I will observe that its connexion with the Danish crown can in no case admit of a doubt. For the rest, I confine myself to calling attention to the wide ramification and the great political extent of the question which would then arise. Should it appear that the solution of these questions, exclusively from the point of view of the law, would bring the controversy into the same condition in which it would find itself according to decisive state and international documents, even without the London treaty, at least there is thus far no sufficient proof that in this case Germany's political interest would not suffer in the end.

Finally, I think that there are two points which I must not leave untouched

before I conclude. It is often said, that the succession of King Christian IX is beyond all doubt legitimate in the kingdom of Denmark itself, even if not in the duchies. But it is a matter of fact, that the different remunerations which preceded the London treaty of 1852, and the Danish succession law of 1853 as well as the acquiescence of the Danish Diet, were only given for the purpose and on the assumption that the different component parts of the Danish monarchy should remain united under the sceptre of King Christian IX. If this combination should go to pieces, the question of the Danish throne succession revives in its whole extent. A second circumstance, not to be overlooked, is, that the demand now heard in Germany for a separation of the duchies from the kingdom of Denmark does not agree at all with the legal position which the Duke of Augustenburg claims for himself. In the protest of the hereditary Prince of Augustenburg, in the year 1859, against the Danish law of succession, as well as in the deed of renunciation which his father hastened to issue at the news of the death of King Frederick VII, there are not only claims upon Schleswig and Holstein, but eventual rights of inheritance on other lands now governed by the house of Oldenburg. Here, therefore, the possibility was not even excluded that Germany might throw itself into a general war, only in order that the Danish monarchy might be ruled by a Duke of Augustenburg, instead of a Duke of Gluckeburg. (Cry of bravo!—sensation.) I repeat, that I express no opinion about any point of the succession question, but I only wish to warn against a too one-sided judgment. Shall I now resume in a few words the leading principles by which the imperial government intends to be guided in this important affair? I have no hesitation in declaring that it lays the greatest weight on the joint action of Austria and Prussia—that it is firmly determined in this question, as in all others, to prove unhesitatingly its regard for law and for treaties, and that it is not less firmly determined within the boundaries of law to enforce with all its power the interests of Germany and of our German countrymen in the north. (Bravo! in the centre.)

Mr. Motley to Mr. Seward.

No. 45.]

LEGATION OF THE UNITED STATES,
Vienna, January 23, 1864.

SIR: It is of course impossible for me to communicate any news to you in regard to the current history of Europe. The telegraph and the post inform you of the events as they rapidly succeed each other, and it only remains for me from time to time to furnish such commentaries as may help to elucidate the present and the immediate future so far as my opportunities allow. I see nothing to alter the opinion which I have for some time expressed in this correspondence, that a war of some kind in Europe is imminent and almost inevitable.

As you have doubtless observed, the Diet at Frankfurt, by a decisive majority, rejected the Austrian-Prussian motion for taking possession of the duchy of Schleswig in pledge for the enforcement of the stipulations entered into by Denmark, as alleged by the two great German powers in 1851, upon which the London treaty of 1852, as is asserted, was subsequently founded.

The majority of the Diet which voted against Austria and Prussia were in favor of much more stringent measures against Denmark, and were disposed to proceed at once to occupy Schleswig, with the hardly concealed intention of severing that duchy as well as Holstein from all connexion with the Danish kingdom. Had Austria and Prussia submitted to the will of the majority of the Bund, the result would have been the formal proclamation of the Duke of Augustenburg as legitimate sovereign of both duchies, and his instalment by the whole power of the Bund.

But Austria and Prussia, holding to the London treaty, refused to submit to the majority, on the ground that the Bund by its proposed course of action was about to exceed the powers conferred upon it by its constitution, and they announced the resolution to take the matter into their own hands.

The demand upon the royal government at Copenhagen to revoke the November constitution within forty-eight hours was then made by Austria and Prussia.

The answer was couched in courteous and conciliatory terms, and represented that it was impossible for the Danish government within the term assigned to comply with the demand.

Certainly, unless constitutional government in Europe be a sorry farce, it would be difficult to see how a king and his cabinet could revoke a constitution in the manner proposed.

A convocation of the legislative bodies, and an understanding to propose certain constitutional changes within a reasonable time, were, it seems, not considered admissible. Nothing but the trampling of the new constitution under foot by the monarch who had just signed it, would satisfy the peremptory claim of the two great German powers.

The King refused to make the suggested *coup d'état*, and 50,000 Austrians and Prussians are now on the march to the Eider. The Danish minister at this court received his recall yesterday. The Austrian and Prussian ministers at Copenhagen have already been recalled.

It is calculated that by the 6th of February the Austrian-Prussian army will be in position to commence operations. A formal ultimatum will then be sent in, and on its refusal, which I take to be certain, the Dannewerk will be attacked. Whether England or any other power will come to the rescue or not, must soon be decided.

Strenuous efforts will be made by European diplomacy to arrange the quarrel during the brief interval which must elapse before the commencement of hostilities; but unless that diplomacy is infinitely more successful than it has been on any occasion during the past year, in any field, these efforts will be fruitless. Meantime the thaw which has commenced, after a frost of unexampled severity and duration in this part of Europe, has extended to the Danish regions. The Dannewerk, if the present milder weather lasts, cannot be turned, but must be assaulted in front, and unless I have been misinformed, the Danes will make a most desperate resistance.

War once commenced, it is supposed that Austria and Prussia may consider themselves no longer bound by a treaty, which the sword has already cut asunder. It is hoped by these powers to localize the war, and keep it within moderate dimensions; but I can hardly believe that Denmark will be left to fight single-handed.

At the same time, while the rest of Europe looks on with dissatisfaction, to say the least, at the aggressive attitude of Austria and Prussia, the other states of Germany are discontented that *so little* is to be done against Denmark.

You will have observed that the Prussian Chamber of Deputies has refused, by a vote of 275 to 51, the loan required by the government to carry on its military operations.

It is not my province nor my purpose at this moment to go into any details in regard to the long-standing conflict between the Prussian ministry and the legislative body, but it is certain that the majority of the Chamber would be desirous of a common action of the whole Bund against Denmark, for the sake of definitely dismembering that state, and placing both duchies under the Duke of Augustenburg. What the vote in the Austrian Reichsrath may be upon the proposed ten-million florin loan for the expenses of the Schleswig-Holstein expedition is doubtful.

To judge by the language of the report of the committee on the loan, an

adverse vote seems very possible. I append to this despatch, and recommend to your attention, a few extracts from this document, which appeared in some of the yesterday morning's papers of Vienna. They paint the situation very clearly, and will show the opinion of a large portion of the German people on the subject.

As explanation of the intense and widespread excitement throughout the German people upon the German-Holstein matter, it should always be kept in mind that it is really the German democracy which, more or less disguised, is making itself felt throughout these proceedings. The national Verein, the assembly of German deputies, the national central committee, the popular mass meetings, the popular ballads—these are the machinery through which the spirit of German democracy is working and pushing on the governments of the middle and smaller states in the movements in favor of Schleswig and Holstein.

It is this democratic movement which Austria and Prussia are opposing. "You lay down the principle," said Minister Van Bismark the other day to the opposition majority, in the Prussian House of Deputies, "that Prussia is to sink or to become a domain of the national Verein." "The lesser German states," said War Minister Van Roon, in the same debate, "have tried to escape from the legitimate influences of the two German great powers, through fear of some phantoms or other. These phantoms were not called up by the minister resident, but by the party which you (of the left) represent." Of course, the question of questions is, how long England can help coming to the assistance of Denmark? This question must soon be solved, for Denmark unaided must cease to exist. But, so far as I can learn, Denmark has no intention of yielding without a bloody struggle.

The Austrian government is aware that at this moment its proceedings are unpopular both in Austria itself and in the rest of Germany, while they are looked upon with resentment and distrust by the other powers of Europe. At the same time Austria sighs for peace, and neither government nor people have a doubt that in peace alone is their only hope of prosperity. But the government believes that by its present course it is likely to insure the ultimate gratitude of Germany, and to solve the Danish-German problem with the least possible amount of bloodshed.

How this result is to be obtained, I confess I do not clearly understand. Even if the two powers succeed in occupying Schleswig, after overpowering the resistance of the Danes, I do not see that the settlement is very near, or likely to be very satisfactory.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Translation, to accompany despatch No. 45.]

Extracts from the report of the 1st section of the Finance Committee of the Austrian House of Deputies concerning the supplemental credit of ten million florins for defraying the cost of the Bund execution in Holstein-Lauenburg, published in the Botschafter, of January 23, 1864.

"In regard to the community of operations with Prussia, there were on both sides binding stipulations entered into, the communication of which has been refused on the part of the government.

"The committee cannot find any happily-chosen measure in the whole course of the imperial government in regard to the operations against Schleswig; for there

exists, according to the documents before us, no harmony in an affair of the highest importance for the German Bund, with the resolution of the German Bund assembly, and in consequence of this a lamentable difference between Austria as first German Bund power and the Bund threatens to arise, the extent and bearing of which are not to be overlooked. Yet it is, according to the documents before us, difficult to deny that Austria, in its present proceedings, is not wishing not to make valid a justifiable position of its own as a European great power, but that, according to its motions and declarations in the Bund assembly of its intention to interfere only for protection of the rights and dignity of Germany, she is acting as a German power in deed, but without the will of the legitimate organ of Germany, and that she is thus, in common with Prussia, effectually exercising an unjustifiable guardianship over the rest of Germany.

"The occupation of Schleswig is, moreover, under existing circumstances, equal to the beginning of a war against Denmark, and must impose at once severe burdens on the empire, for which neither material recompense nor preponderating remuneration in moral or political effects can be looked for, and it may increase immeasurably our financial calamities. The imperial government intends, indeed, by its proceedings to localize the danger of war to the conflict with Denmark, and through the sacrifices necessary to this end to avoid the still more severe misfortune of a general war which, in consequence of the position taken up by a portion of the German Bund states, might take place. Nevertheless there are neither fixed points of reliance (*anhalt's püchte*) that the resolutions of the Bund assembly are leading to a general conflagration, nor sufficient guarantees that the proceedings of Austria and Prussia, in their remoter consequences, are not actually leading to an actual intervention of foreign nations; and at all events, if that be true which the imperial government has hitherto given as grounds of so high a military budget, that the protection of the boundaries of Austria partly requires warlike preparations even in peace, then the action of Austria in the north is affording only a welcome assistance to manifold hostile attempts against her boundaries.

"Austria has need of peace to its material palingenesis (*wiedergehust*) and to the strengthening and development of her constitution, and all her races are uniting in the wish, not without pressing necessity, to allow the calamities of war to be poured over them. Repeatedly has the House of Deputies declared that Austria should keep on the defensive, and only follow the policy of its interests, and the imperial government has repeatedly declared that only this standpoint shall henceforth be its guiding one. Now, however, an aggressive war is begun by Austria, and really not in the interests of Austria.

"To all this is to be added, that in the whole attitude of the imperial government in this question, that uncertainty of aim is again found which, as a peculiarity so fraught with consequences, has manifested itself in all European questions of the most recent times.

"Shall the integrity of Denmark give the limitation, or shall the legitimate rights of sovereignty in the Elbe duchies be the appointed factor? Shall the fulfilment of Bund duties, in accordance with treaties, direct Austria, or the mere political connivance with interests of another nature? Neither of these two purposes has thus far been decisively indicated or firmly maintained, and only one thing seems clear, that the imperial government is giving to another government for the attainment of its aims in the region of internal policy a virtual, even if an involuntary assistance."

Mr. Motley to Mr. Seward.

No. 46.]

LEGATION OF THE UNITED STATES,
Vienna, February 23, 1864.

SIR: I have the honor to acknowledge the receipt of despatches Nos. 51, 52, 53, 54, the latter containing certificate for Baron Bothmer.

In my last I expressed the opinion that a war of some kind was imminent. Since then hostilities on a considerable scale have commenced in the Danish Peninsula, it would be idle for me to make any allusion to the military events as they succeed each other, which the public prints bring to you almost as soon as they are made known in Vienna; but I may renew the assertion often made in this correspondence, that never did a belligerent make war so unwillingly as does the government of Austria at this moment.

Thus far the campaign is a kind of political and military paradox. War is waged in order to prevent war. The enemy's territory is invaded for the sake of preserving it from dismemberment. Fire and sword are carried into the very heart of Denmark, to save Denmark from national extinction. The treaty of 1852, establishing the succession, is recognized as sacred by the war-making powers, while at the same time the question of the succession to Holstein is reserved. The Bund troops enter Holstein to compel Christian IX, as member of the Bund to execute its laws, while at the same time his claim to be a member of the Bund, is disputed, and his representative excluded from the Diet at Frankfurt. Moreover, we learn to-day that the expedition undertaken by Austria and Prussia against the vote of the majority of the Bund, with the definite purpose of seizing Schleswig as a pledge of the revocation of the November constitution, and the fulfilment of the stipulations of 1851, has proceeded to invade Jutland, which has no more to do with the Schleswig-Holstein dispute than Iceland has.

There are explanations of all these apparent inconsistencies, no doubt, which are more or less satisfactory, according to the point from which they are judged; and I suppose, too, that there can be no doubt that Denmark has signally violated its own engagements, in regard to both Schleswig and Holstein, that its rule in those duchies has been for years characterized by systematic injustice and oppression towards the German population, and that, sustained by the idea of the necessity of its national existence to the most important powers of Europe, it has reckoned on an impunity, which is now at an end.

As to the immediate future, so far as this government is concerned, it is certain that the object is still to localize the war, and to confine it to the Danish peninsula. The great powers of Germany wish a little war; Denmark, on the other hand, naturally wishes a great war. This policy is so obvious as to need no comment. Of course, Denmark, without the assistance of France or England, or both, must be destroyed in the war to the knife on which she is resolved. But she thinks herself more likely to obtain that assistance by the boldest demeanor, and by the most desperate resistance, while, on the other hand, by a vacillating policy and a further submission to the demands of the enemy, she considers her destruction as certain. The personal union between the kingdom and the duchies, which might have been obtained yesterday from Prussia and Austria, she considers as equivalent to dismemberment. Indeed, such a union as existed between England and Hanover before the accession of the present Queen of England, would hardly seem to imply much additional strength to either of the realms united under the sceptre of one and the same sovereign.

The question, whether the invasion of Jutland, on the one hand, and the vigorous defence of the Düppel forts and Alsen, with the establishment of a

blockade by Denmark of the German ports, on the other, will suffice to bring England and France into the field, must now soon be settled.

It seems certain that the object of England is to avert war—still more certainly is this the desire of Austria. No power in the world has so much to gain by peace and to lose by a general European conflict as this empire. The words Galicia, Venice, Hungary, are sufficient guarantees in themselves for its pacific intentions. On the east, west, north and south, open or secret enemies are ever lying in wait to take advantage of any hostilities on a great scale in which Austria may be involved.

I was present during the whole of the important and interesting debate which occupied the Reichsrath, four days long, at the close of last month, and was much struck by the eloquent and masterly manner in which the discussion was conducted, both by the ministers and their adherents, and the opposition. No one who witnessed those forensic encounters could doubt the capacity of the Austrian nation for a full, constitutional, and parliamentary life. But although the ministers obtained the majority, it must be admitted, I think, that no party is thoroughly satisfied with the character of the war. The liberals suspect the Prussian alliance, repudiate the London treaty, and plant openly the standard of the Augustenburger. The extreme conservatives, on the other hand, look with dissatisfaction upon the waste of blood and of treasure for the protection of oppressed nationalities by a power which is itself composed of so many distinct nationalities, and all of them very apt to raise the cry of oppression, and feel the inconsistency at this moment of employing, as Austria is now doing, Polish, Italian, and Hungarian regiments in Denmark, to rescue the oppressed Germans of Schleswig-Holstein.

There is an uneasy feeling prevailing all classes of society that the empire is drifting into a general and very dangerous war without a clearly defined object. The attempt to avert a great war by making a little one is thought by many to be a hazardous experiment.

Austria, therefore, is, in good faith, I think, desirous of peace, but may not be taking the best means of arriving at such a consummation. The policy of Prussia is mysterious, and excites, whether with reason or not, much uneasiness and suspicion.

The probable attitude of England and France, now that Jutland has been invaded, and the blockade formally declared by Denmark, excites a general alarm. It is not my province to speculate as to the ultimate position of those powers. England certainly wishes peace; but it wishes Denmark to exist, and it is useless to deny that that existence is more imperilled every day. England would be excessively endangered in its commercial and general interests by a European war, and it can hardly desire to reap the harvest which so many Englishmen have been so lavishly sowing during its period of neutrality. Its conscience may suggest that there may be noble-minded merchants as ready to build swift-going Alabamas on one side of the Atlantic as the other, in defiance of international law, and of every precept of morality, and that the flag of Wurtemberg or Baden may be as convenient a standard for neutrals to burn and plunder unarmed trading vessels under as that of the slaveholders' confederacy. It may be feared, too, that the United States may be as slow as the English government has been to prevent such crimes on the part of its citizens.

In brief, there is a prevailing impression that Denmark is sincerely desirous of localizing the war; and while England is desirous of avoiding all participation in it, the ambition of Prussia, the determination of Denmark to defend what it considers its rights, and the irresistible force of events, may bring about a general conflict before the summer is over. I confess I do not exactly see the road by which diplomacy will be able to bring the nations back again to peace, while all seem just now to be travelling on the path that leads to war.

I transmit herewith a translation of the Emperor's speech at the closing of the Austrian Reichsrath.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

THE EMPEROR OF AUSTRIA'S SPEECH.

Translation of the speech delivered by the Emperor of Austria at the closing of the Reichsrath on the 15th.

Under the significant circumstances in which the Reichsrath closes, I feel the need, before your separation, of seeing you assembled around my person. It is with special satisfaction that I see among you the representatives of Transylvania, who fortunately entered upon the path of a common constitutional action at the very moment when the Tyrol celebrated with enthusiasm the anniversary of its union with Austria. I recognized with real delight in these facts the indication of a fruitful agreement with my intentions, and the guarantee of a happy future. While the general position of the empire was a subject of consolatory reflection, the famine which afflicted certain parts of Hungary filled me with profound grief. You have seconded with fraternal sympathy the efforts made by my government to assist these unfortunate populations. Several important legal dispositions for the internal organization of the monarchy and for the realization of governmental principles have been approved by you, and have received my sanction. Eastern Galicia and the Bukowina have seen the period for the realization of their wishes respecting the railways which traverse them draw near. The proposal which has been submitted to you on the subject of the Transylvania railway has not, it is true, met with the solution expected, but it is my wish, and it will be the care of the government, that this important line should be executed. The financial measure passed in the two Chambers has assured the constitutional basis of the financial department during the period of the administration. The vote which authorizes the collection of the taxes of the past year, and the increase of the state credit, have enabled the extraordinary expenses to be met. The preliminary labors have already been commenced for settling the great question of a reform of the taxes in the next session.

I have neglected nothing for preserving to the nation the precious benefits of peace. It is the destiny of Austria, while holding herself prepared to resist every possible attack, to maintain a pacific language in the council of nations. The friendly character of the relations of my government with the great powers of Europe corresponds in a thoroughly satisfactory manner with this mission of Austria. A crisis which has lasted for years in the relations of Germany with Denmark has, however, come to a head, and, despite the most conciliatory efforts of my government, warlike events have resulted. As a German prince, I have participated in the military measures necessary for the federal execution in Holstein. In conformity with the resolutions of the Diet, and in accord with Prussia, I have deemed it necessary to take possession of the Duchy of Schleswig as a guarantee of the engagements constantly neglected by Denmark. The heroic bravery and the admirable conduct of the allied army in Schleswig-Holstein have obtained a prompt and brilliant satisfaction of the rights and of the honor of Austria, Prussia, and all Germany. The glorious success I have obtained, in concert with my royal ally of Prussia—a success the object of which is not ambition or conquest, but justice, as all Europe knows—will, I hope, assure a happy future, without compromising the peace of the world and

of our dear country to the countries whose rights have long been attacked, and for which we are fighting with Prussia. Surrounded by the representatives of my empire, I doubly rejoice at the success with which heaven has blessed the arms of Austria, and at the glorious victories to which it has conducted our flag, for I know that my faithful people are united with me in a sentiment of joy for the proper appreciation of the brave men who have shed their blood for our honor, united everywhere where the name of Austria has to be upheld. In the face of the world you have rendered out of your own mouths this testimony to our union, and that union we will preserve as a precious treasure, for impregnable power is based upon it. Austria has shown that in her reinvigorated form she has preserved the good old spirit, and carried with her into the new liberal paths of her governmental life the inheritance of her strength and her glory.

Mr. Motley to Mr. Seward.

No. 47.]

LEGATION OF THE UNITED STATES,
Vienna, March 7, 1864.

SIR: I send you herewith a translation of the document by which Austrian Poland is declared to be in a state of siege.

This measure has taken few people in these regions by surprise, although it would seem to have been unexpected in foreign countries.

By a reference to many of my despatches, and especially to No. 39, of date November 24, 1863, with the accompanying documents, you will observe that something very like a state of siege has for a long time existed in Galicia and Cracow. The formal proclamation of this condition is not generally thought here to be premature, nor is it connected, as I believe, with any secret political combinations with other powers.

It has been notorious that the "national government," concerning whose doings I have often spoken in this correspondence, had extended its net-work almost as thoroughly over the Austrian as over the Russian portion of Poland. Taxes have been levied, troops enlisted, tribunals erected, capital punishment decreed and inflicted by secret and wonderfully constructed machinery, in defiance of the legal authorities, with a precision almost without a parallel in history. An organized assassination, directed by unseen authority, makes the whole population shudder. In brief, although the religious strife which is so envenomed in Russian Poland is absent in Galicia—although the disaffected portion of the population is supposed to be a minority of the whole, and although the wrongs which have driven the Poles into revolt against the Russian government have not been committed by the Austrian authorities, yet the difference, after all, is only in the comparative intensity and extent of the revolutionary fever in the one and the other territory.

With so much of danger and of disaffection in its own domains, it may well be supposed that the imperial royal government has not been proceeding very cheerfully in the crusade against Denmark. To rescue one nationality in the northwest of Europe from oppression by its sovereign does not seem the most logical or congenial of tasks for an empire which is itself compounded of a dozen different nationalities, many of them in a state of chronic discontent, and one of them in a state of rebellion, so far advanced as to require the application of martial law. These reflections are so obvious as to suggest themselves to every mind, and hardly require to be dwelt upon. Nevertheless, Austria seems to be wading every day, but against its will, into deeper and deeper water. If the military process now on foot, which is expressly declared not to be war, although some thousands have already been killed and wounded, foreign terri-

tory invaded, great fortresses taken, and others besieged during its continuance, really be not war, but a sensible series of measures taken to avert war, then a most hazardous experiment will have been crowned with success. I hardly anticipate such a result. What really lies at the bottom of the great German movement against Denmark is, strange to say, the democratic element as it is understood in Germany; and it is for the sake of apparently assimilating, but in reality neutralizing, this dreaded ingredient in every European organization that Prussia and Austria are now sending their troops to the North sea.

The delay in the military operations since the retirement of the Danish armies behind the forts of Duppel and the fortress Frederica will have engaged your attention. I do not dwell on the military events as they succeed each other, but it is well understood now that Jutland is to be occupied by the allied armies. It is asserted, however, that this province is occupied not as a permanent conquest, but for strategical reasons, with a view to operations against the remaining portion of Schleswig.

Thus Holstein was taken in "execution," Schleswig was seized "as a pledge," and now Jutland is occupied "as a military basis," but all without war. It remains to be seen whether, if no foreign power interferes, Denmark, after being entirely reduced to subjection, at an enormous expenditure of blood and treasure, will be handed back again, in whole or in part, to the Danish government.

If so, an example of moderation after success will be afforded which will be a refreshing phenomenon in European history. The object still avowed by the great German powers is the enforcement of the stipulations of 1851, as they understand them—a united Schleswig-Holstein, that is to say, dis severed from Denmark, but placed in "personal union" under the present King of Denmark.

On the other hand, the Danish government considers the term "personal union" as a mere euphuism for national dismemberment, and refuses to hear of such an arrangement. It has recently informed the British government, as is generally believed, that it will go into no conference unless England will guarantee that Denmark shall be called upon to concede nothing beyond the stipulations of 1851-'52, which, as she declares, forbid a united Schleswig-Holstein, and any separation of Schleswig from the Danish kingdom. In case this guarantee should be given, Denmark would be willing to go into a conference on the ground of the *status quo* before the invasion of Jutland and of an armistice, pending negotiations for the revision and interpretation of those stipulations. She declares that what England has hitherto urged upon her is equivalent to that which her victorious antagonist could impose after her complete subjugation. Under these circumstances she would prefer to die with honor, sword in hand, to becoming a party to her own destruction.

As it is perfectly obvious that these terms would not be listened to by Austria and Prussia, to say nothing of the more violent portion of Germany, it is believed that the English government has declined to come to the rescue, and will permit the invasion of Jutland or any other portion of Denmark. I am not aware that there is any organized party in England ready to go to war with Germany in defence of Denmark, although the politicians out of office are eloquent in their denunciations of the perfidy and the imbecility manifested on this question by those who are in.

Whether the sympathy of the governing classes in that country, which has been exuberantly manifested for Denmark, as it was for the insurgent slaveholders of America, will be more fruitful of armed intervention in behalf of the Danes than it has hitherto been for the confederates, remains to be seen. The prevailing opinion, but one which I do not share, is that England will look on while Denmark is dismembered. In this case I do not see how the victorious powers could resist the pressure upon them from the more advanced part of Germany in favor of the Augustenburger. At present, however, the chances

of the pretender to the duchies seem to have diminished. At any rate his claims are ostentatiously thrust into the background by Austria and Prussia.

But popular opinion in England is, after all, an important factor in the problem; and there is a conviction spreading that England has been talking too long and too loud against Germany, and in behalf of Denmark, to allow her to wash her hands and fold her arms. The ridicule which is manifested towards the English policy on continental questions may end in piercing the national stoicism; a feeling of shame and generous indignation may break forth in action, and I almost expect to find England taking the field for her slight but valorous ally at the last moment.

Meantime the delay in the military operations is thought, on the whole, to have been rather beneficial than otherwise to Denmark. She has had time to strengthen the fortifications of Duppel and Frederica. The advancing season enables her to make use of her fleets. The blockade of the German ports, and the capture of German trading vessels, will inflict much damage on her enemy before the Austrian squadron, which, as I understand, has just been ordered into the North sea, comes to their protection; and, moreover, the confusion in the councils of the German confederation has been growing almost hopeless. In the Diet at Frankfort everybody seems to be in a minority on every question. Every motion is negatived, every party is conquered without any conquerors, while puzzle and perplexity reign supreme.

One would think that the measures taken for shortening and localizing the war really contemplated its perpetration and expansion; and I for one am not yet a convert to the theory of preventing a great war by making a little one.

"Has it come to this," exclaims a leading journal of Vienna this morning, "that no German merchant vessel can venture into the North sea; that the insignificant Denmark is again blockading the mouth of the Elbe; that Germany is in a state of bewilderment; that the Diet, reflecting the universal helplessness, is bringing on itself the scorn and contempt of foreign nations; that, in fine, while we are avoiding the Scylla of a general crisis, we are in danger of being sucked into the Napoleon-Congress Charybdis?"

We had a telegraphic report this morning that a Danish cruiser is lying in wait off the mouth of the Elbe for the Hamburg New York steam-packet Germania. I have been informed, however, I know not with what accuracy, that these vessels have been sold to a Russian company. At any rate the river's mouth is considered to be effectually blockaded.

To resume in a single phrase what I have been dilating upon in this despatch, there is a growing popular indignation in England that Austria and Prussia should be allowed to crush little Denmark. There is a growing popular indignation in Germany that they are not crushing her fast enough or thoroughly enough. Whether such a widespread and antagonistic excitement between two such mighty peoples as the English and the Germans is likely to be suppressed without blood-letting, you can judge as well as I can.

The prospects of peace in Europe do not seem to be very promising this year.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Manifesto of the Emperor of Austria, of March 1, 1864, addressed to the Provinces of Galicia and Cracow.

[Document accompanying despatch No. 47.]

For many months the kingdom of Poland has been the scene of disastrous occurrences. Galicia is powerfully moved by sympathy for its neighbor, and

that province, generally so peaceful, and moving in the paths of law and order, is agitated to its centre.

My government has conscientiously performed its international duties in the face of this condition of things, put in force the existing laws, and given that leniency and forbearance full sway which was thought fitted to calm the excited minds and turn the misguided from their unhappy enterprises. The results have not met expectation.

Treasonable associations have been organized within the limits of my empire; enlistments and extortions for the support of the insurrection are uninterruptedly continued; the personal safety and property of the inhabitants of the land and the common weal are endangered, and the legal order seriously threatened. A revolutionary power, secret in its action, the end and aim of which are directed against the safety and integrity of Austria, usurps a formal sovereignty in my realms; demands taxes and other contributions; puts its organs under oath and allegiance; and seeks to secure obedience to, and execution of, its decrees through terror and every other means, not recoiling even from assassination. Numerous facts indicate that the revolutionary parties are now preparing to make very soon my kingdom of Galicia and Cracow the scene of open hostilities.

Such a condition of things cannot be allowed. Conscious of my duty as ruler towards a land which forms an integral part of my empire, the inhabitants of which in the most decisive majority are among my most faithful subjects, I have found myself, after the fruitless employment of all the means offered by the existing laws, forced to decree such extraordinary measures for Galicia as may secure internal peace and increased protection to person and property.

People of Galicia: That these measures may very soon be dispensed with is my lively wish. Its gratification depends essentially upon your concurrence.

I cherish the firm faith that the efforts of my government to secure obedience to the laws and calm the disturbed condition of the land will not fail of your aid. My care is ever for your weal; and I am determined to spare no effort again at the earliest possible moment to secure to your land the blessings of legal order, and thereby the pledge of the general welfare.

Given at my capital, Vienna, February 24, 1864.

FRANCIS JOSEPH, M. P.,

*Archduke Rainer, Rechberg, Meccery, Schmerling, Lasser
Plener, Forgach, Esterhazy, Burger, Hein-Mertens.*

Mr. Motley to Mr. Seward.

No. 59.]

LEGATION OF THE UNITED STATES,

Vienna, May 10, 1864.

SIR: It is not from negligence that I have written but little of late concerning the German-Danish war. All that occurred to me to say in regard to the causes and probable issue of the conflict I have already said. The events both at the seat of war and at the seat of the conferences reach you regularly, almost as soon as they are made known here; and I suppose that you have not much leisure for any academic disquisitions which it might occur to me to make on the subject.

The government of Austria is very moderate, for it went into the war with reluctance, in obedience to German popular pressure, and to its instinctive rivalry with Prussia, and will be glad to conclude peace now that its share in the military events has been so satisfactory to its military pride.

Prussia, on the other hand, whose troops have also fought with unquestionable

success, seems no longer to have any urgent motive to continue the war, because any secret schemes of annexation that might be entertained would appear for the present impracticable. It is, therefore, for the two great powers, who have now Denmark at their feet, to dictate the terms of peace; but the Bund, although it was allowed to take no part in the war, will probably exercise sufficient moral pressure on its two principal members to prevent these terms being extravagantly generous.

The Augustenburg, with his pretensions, seems to have vanished from the scene, and is now rarely mentioned. The duchies, I suppose, will be united in what is called an administrative and political union, and will be dissevered definitely from Denmark. After this has been thoroughly accomplished, the personal sovereignty over them will be conferred upon the Danish king, as Duke of Schleswig, Holstein, and Lauenburg. This is simply the dismemberment, and one would think annihilation, of the monarchy; and it is probable that the mass of the population, and all the most eminent persons in Denmark, would prefer a union with Sweden and Norway, under the Swedish monarch, to such an arrangement. It is probable, however, that England, among whose traditions is a strong hostility to the Scandinavian union, would prevent such a consummation by force, if force should be necessary. That both shores of the Skager Rack and the Kattegat should be under one crown has been usually thought contrary to her naval and commercial interests. Whether this be an antiquated notion or not, it would, perhaps, still be acted upon. It is true that there are "personal unions" not inconsistent with the idea of national integrity. That between Sweden and Norway, even with the addition of Denmark, would be a conceivable empire, for in this case there is not, nor would there be, an overpowering extraneous force to counteract that necessary centripetal tendency which alone keeps all organized bodies from dissolution. But in the personal union, as likely to be constituted between the Danish states and the continental provinces of Holstein and Schleswig, what central force could be found in the kingdom of one million inhabitants to overcome the enormous attraction of the great German confederacy with forty millions of people upon these duchies? I forbear to extend further these very obvious reflections.

The reluctance of the two great western powers, especially England, to engage in European war, is among the most significant signs of the times. Nations, or rather governments, act from instinct oftener, perhaps, than we at first sight imagine; and there is probably an instinctive uneasiness on the part of England, that, in case of a general war in which she should be belligerent and the United States neutral, the wonderful discoveries in the doctrine of neutrality made by some of her jurists and statesmen, together with the practical application thereof by ship-building members of Parliament, and others to the commercial advantage of England, and the great injury of American citizens, might be turned against herself. It is true that, in the words of a famous English statesman, England does not pique herself on being logical; and it does not follow, because she has practically allowed mutinous slaveholders who were without seaports or ships to make use of the Clyde and Mersey as a basis of naval operations against a power with which she was at peace, that she would tolerate a swarm of Alexandras and Alabamas issuing from New York and Boston, under Bavarian or Saxon colors, to burn her merchantmen on the high seas. Nevertheless, such complications might occasion her considerable inconvenience, and the reflection on such possibilities strengthens her pacific inclinations, so far as this side of the Atlantic is concerned. The two western powers have been moving in a vicious circle, as we all know, in regard to the United States ever since their hasty and ill-judged bestowal by solemn proclamation of maritime belligerent rights on a mutiny which had no more pretensions to be maritime than Poland or Wirtemberg. It is true, in the admiring words of a distinguished member of the British cabinet, that the slaveholders have succeeded

"in creating a navy," but it has been created for them entirely in England, and it sails from English ports alone; and it has been engendered by that clandestine connexion of England with the mutiny, of which an organized piracy is thus the sole fruit.

I have only to repeat that the Imperial Austrian government is disposed to peace, and seems to me by no means desirous of destroying the kingdom of Denmark. I am informed by the minister of foreign affairs that an important paper has been sent to the Imperial Russian government from the principal estates (*staende*) of Schleswig and Holstein, signed, as I understand, by the President and many notable members of these bodies, in which a separation of these duchies from Denmark is strongly deprecated, and in which an elaborate and cogent historical argument on the succession question is made, to the effect that even should the treaty of 1852 be set aside, the claims of the Angustenburg are entirely inadmissible, and that even had the chief of that branch not renounced his claims, they would be of little value, and far behind the pretensions of the Duke of Oldenburg and the Emperor of Russia. Such, as well as I could follow it, was the purport of the paper, and I understood the Imperial Russian minister to maintain very similar opinions. In the judgment of the Austrian government a compromise is inevitable, and to break down the arrangements of 1852 would be merely to open the door to endless litigation, out of which there could be no issue, even after a general war, but a fresh compromise. This, however, is manifestly not the feeling of the middle and lesser German states.

The avowed object of the two German powers, now acting, as I am informed, in perfect harmony, is stated to be to take such guarantees from Denmark as to prevent the repetition of her injustice to the German inhabitants of the duchies, and to compel her to observe the stipulations of 1851-'52, which preceded the London treaty.

With regard to the movements of the Austrian fleet, of which there has been recently so much mention in the public prints and in the British Parliament, the minister informed me that the instructions given to the commander of that fleet on the 9th March were to enter the North sea, but not to enter the Baltic; and that no fresh instructions had since been given. He added, that it would not be possible for the fleet to pass the sound, because there was but one iron-clad ship in the squadron, and because the Danish batteries could easily sink any wooden ship attempting that narrow passage.

I do not understand, however, why it would not be easy enough for any fleet to enter the Baltic by way of the Great Belt, which is, I believe, eight or ten English miles in width.

The present appearances are supposed to be pacific; and it is expected that the armistice upon the basis of the evacuation of Jutland on the one side, and of Aslen, together with the raising of the blockade on the other, will soon be established, and it is hoped that if hostilities are once suspended it will be difficult to resume them.

But it is idle for me to speculate upon matters concerning which you will receive direct information long before any despatch of mine can reach you. The best I can do is to keep you apprised of the feelings of the imperial royal government from time to time.

The opinion at present is, that a general European war will be averted. I confess I do not understand how this is to be accomplished, except by the practical dissolution of the Danish monarchy, nor how the English government can, at the last moment, refrain from stepping in with the armed band to prevent such a catastrophe. If the two German great powers succeed in satisfying the German aspirations in regard to Schleswig-Holstein without exciting hostilities on the part of other powers, a very difficult task will have been accomplished.

Neither the merging of Danish nationality in the Scandinavian union, nor that other scheme which is occasionally broached, of a voluntary entrance of all Denmark into the German confederation, by which Germany would become a considerable maritime power, would be in accordance with the traditional policy of England. Yet both projects are, to say the least, possible.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Motley to Mr. Seward.

No. 68.]

LEGATION OF THE UNITED STATES,
Vienna, July 26, 1864.

SIR: Without waiting for a reply to my despatch, No. 62, of date 28th June last, I venture a second appeal on the same subject.

The want of accurate telegraphic intelligence concerning American affairs at this legation, and of others far removed from the sea-coast, is really a very serious practical evil. The telegraph has everywhere superseded the post; but for us it may be said that the post has been abolished and no substitute provided.

Two or three lines twice a week in the corner of a local newspaper, containing generally the most malicious or most improbable fiction that can be culled from the telegraphic budget, furnished by the English purveyors in America to the London press, make up our history. The mass of European readers see little more of United States affairs than these morsels, and thus public opinion is hopelessly depraved. This is comparatively of very little consequence; but it is not an indifferent matter that a representative of the United States should thus always be ignorant of the condition of his own country. Yet as it takes the post always from four to seven days to overtake the telegraph, our despatches and American journals never arrive until after a new telegraphic fiction or enigma has already destroyed their value.

I doubt whether there is an individual at home or abroad more profoundly convinced than I am as to the certainty of the ultimate success of our cause, and as to the impossibility of a triumph for the slaveholders' attempt to destroy our great republic, but it is not sufficient for a representative of the United States simply to denounce *a priori* as improbable, and often as ludicrously false, such statements of facts as are presented to the public.

In order to maintain the dignity of his office, and to exercise a proper influence among his colleagues, and among those disposed to make earnest and friendly inquiries as to the state of our affairs, he ought always to be furnished with a full statement of the truth, and this can only be done by forwarding to him by the semi-weekly steamer a telegraphic summary of intelligence. Otherwise he must continue to be in perfect ignorance of the current history of his own country, at a moment when that history, both in itself and for its influence on all human affairs, is far the most important subject now occupying the attention of the world.

It is no exaggeration to say that since I have been here, we have always been under the influence of some perversion, exaggeration, or absolute fraud, perpetrated by the telegraph working in the interest of our enemies.

It is superfluous to point out how such a condition might at times be of serious practical inconvenience. Suppose—what might be the case—it were necessary for a United States minister to repel a strenuous argument in favor of interference by a foreign government in our affairs; and suppose, while he was indignantly repelling such a pretension, he were informed that General Grant

was a prisoner in Richmond, that his whole army had capitulated, and that Jefferson Davis was established in Washington. He would, of course, denounce the telegram stating such intelligence as impudently false, and know it to be so, but the telegram would still be believed abroad. This is no monstrous imagination. Two years ago, while stating the condition of our affairs to one of my most influential colleagues, and one very friendly to the United States government, he handed me the morning paper, which I had happened not to have read. It contained a telegram that General M'Clellan had just signed an unconditional surrender of his whole army, General Lee insisting on an absolute capitulation.

Of course I felt this to be false, and denounced it as false; but how could I prove the falsehood? It was not till four days later that our journals arrived, by which the true condition of things became known. Meantime we had lived under the influence of the poison.

But not to enlarge any further on this subject, I beg to add that I have just been reading with great interest your communication to Mr. Chandler on the project of an inter-continental telegraph, and I find one or two passages so striking in themselves, and so confirmatory of the point I urge, that I must quote them:

"It would be as easy now to dispense with the steam engine, on land or on sea, in the business of commerce, in social intercourse, or in political affairs, as it would be to forego the use of the telegraph; to be without it is to be isolated." (p. 17.)

And again: "The United States cannot hope to inspire respect, confidence and good will, abroad, and so secure peace with foreign states, without using the magnetic telegraph when it is possible." (p. 23.)

Once more, I appeal to you not to leave us thus hopelessly isolated, and to provide us with the means of inspiring respect, confidence and good will abroad.

It would be very easy, and not ruinously expensive, to send a telegraphic summary twice a week from New York to London, thence to be telegraphed by our legations to the legations on the continent. It is true that this summary is not of so much consequence at Paris and London, for two reasons:

1. The post to them is but a few hours behind the telegraph.
2. The telegram in the public papers is so copious, that it is possible for them to make a shrewd guess at the state of affairs, and to discriminate between what is true and what is false; but for all other United States legations it is of vital importance.

I have the honor to remain, respectfully, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Motley to Mr. Seward.

No. 70.]

LEGATION OF THE UNITED STATES,

Vienna, August 7, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 77 and 78, of 14th and 16th July, respectively, which reached me on the 4th of this month.

I am encouraged to make one more effort towards obtaining a semi-weekly telegraphic summary of American intelligence by your statement, that "expense is not reckoned among the hindrances of the enterprise." And further, that in case I should be able to indicate a feasible system, you would cheerfully adopt it.

The subject at any rate gives me an opportunity of expressing some thoughts

which may not entirely be without interest to you; and as, in my private letter of date August 2, I set down in a familiar and sincere way my latest impressions of cisatlantic politics, I have nothing special to say about them to-day.

I would, then, in the first place, in answer to some of your observations in despatch No. 77, repeat that it is not primarily nor mainly for the sake of influencing the public opinion of Europe that I desire to be supplied with authentic intelligence by the *only* vehicle which now brings news. It is for *my own information* that I require it—speaking of myself as the head of a United States legation, and as an American citizen immovable in the faith that our republic is indivisible, but intensely interested in the passing events of the great revolutionary drama as they reveal themselves.

The American civil war—I care not what may be said on the subject to-day in either hemisphere—is simply a revolt of slaveholders against the democratic principle. As such the event will be recorded so long as history shall last. The slaveholders revolted because the people chose a new set of servants pledged to restrain slavery, instead of the series of agents who for forty years had been doing their best to strengthen and extend it. The success of this attempt to perpetuate by force of arms the slave oligarchy and to annihilate the American people is impossible, although the struggle may cost more time, money and blood before the democratic principle has thoroughly re-established itself over our whole territory. These essential facts are *now* accepted by every thinker in Europe. They are also instinctively but dimly perceived and firmly believed in by the great unrepresented, voiceless mass of humanity in Europe; the toiling millions, whose part in life, according to the European scheme, is to be governed, and to hew wood and draw water for those who govern. Those whose future is so deeply interested in the preservation of our republic refuse to believe that it has ceased to exist.

The thinkers of Europe, accordingly, so far as I know, without a solitary exception, and the laboring classes, wish success to the American republic. The dominant classes—with individual and illustrious exceptions—together with the idlers, who are unwilling or unable to form opinions for themselves, desire the success of those who are attempting its destruction. The opinions held by this influential minority in regard to the American war are manufactured for them by their public preceptors who make up what is called the public opinion of Europe.

Now there was a time when this tribunal was regarded by us almost with reverence. That day is, I trust, gone forever. In regard to American affairs, the result of a final analysis of that opinion is simply this:

It is desirable that the great American democratic republic should be destroyed; an energetic and admirably organized domestic insurrection is attempting its destruction; therefore, that insurrection should be encouraged in every possible way.

No syllogism can be plainer. It would, therefore, be beneath the dignity of the American government publicly to combat these sentiments, or to offer any reply to the stale commonplaces about the "causeless war," "the miserable war," "the hopeless war," with which our ears have been stunned these three years. This *crambe repetita* is food made by those who feed upon it. One day it will be discovered whether it was wholesome philosophy and philanthropy, or childish jargon. We have now only to do, not to argue. Every blow upon the head of the rebellion tells with still greater weight upon its foreign sympathizers. So long as we are under a cloud we shall be subjected to calumny, insult and wrong. When the commonwealth has re-established herself she will again be respected as the "grand republic;" and her friendship will be duly prized by those who at present most ostentatiously parade their "neutrality" between her and her assassins, and who exemplify that neutrality in so many astounding ways. In Europe, to be powerful is to be venerated—

to be weak is to be trampled upon. Therefore, the public opinion of Europe is, and ought to be, of comparative indifference to us.

The telegraphic summary furnished to Europe by our enemies is, of course, compounded and flavored to suit that public opinion. It is the function of cooks to please the palate of their masters and customers. I have already given you a variety of specimens of the manner in which the events of our war, as they succeed each other, are travestied by the telegraph. I might easily send you a hundred more. A century hence, indeed, if an antiquary should amuse himself with collecting from German newspapers a complete series of semi-weekly telegrams, he would be amazed at the trivial and grotesque manner in which the history of the great anti-slavery war of America was presented during its continuance to the most philosophical and thoughtful nation of Europe. Therefore it is that I do not urge upon you to provide for the European public—or for regular publication at all—the summary for which I most earnestly plead. It is for the legations, not for the public, that information is needed. It is my deliberate opinion that a representative of the United States cannot properly discharge his functions, or maintain his official dignity, if he be kept in profound ignorance of passing events at home, when these events are more important than any others in the world. Yet in that ignorance I have existed ever since I have been here. Practically the post has been abolished by the telegraph, and for American affairs there is no telegraph. The choice is between being supplied by government or remaining in the dark, for the meagre scrap—*two lines or so in length*—which finds its way twice a week into the local journals of the continent on the arrival of the steamers at Queenstown, is usually a fiction or an enigma.

You are very right in saying that the government is not responsible for telegrams published in Europe, and dated New York. Any one who knows or cares anything about the matter at all is aware that, on the contrary, they are concocted by the enemies of the government. But this is a matter of comparative little consequence. After all, foreign governments and their agents look to the accredited representatives of the United States to learn the truth, whether that truth be agreeable or distasteful. But the world moves so fast in these days that there is not time to wait from five to seven days for correct information—and that is the difference at Vienna, so far as American news is concerned, between post and telegraph. Therefore, the representatives should always be informed by the telegraph. You will say that the world ought to be willing to wait, and to make up its mind deliberately upon such great events as those now transacting on our continent. But I have been struck with the indifference which prevails, and the very superficial amount of information which suffices in these regions as to our affairs. Therefore, the little seed sparsely sown upon the rich soil of European prejudice have ripened into the abundant harvest, which now waves triumphantly all over its surface. It is a prevailing belief in Europe, at which a loyal American, who believes in his country and in human freedom, smiles, that our republic ought to be destroyed, and is destroyed, and that sooner or later we shall acknowledge a truth which Europe, being wiser than we are, has for a long time known.

But this, although a prevailing, is by no means the universal creed. I repeat that I find no difficulty in impressing those whose powers of thought I most respect, and whose opinions I most value, with the sentiments religiously entertained by the vast majority of the American people as to the character and the inevitable result of this war. There are many who would always be interested in any fresh intelligence that I could furnish to sustain my views.

I notice with great respect your objection that the United States government should beware, lest by sending intelligence which might be sometimes inaccurate, mischievous, or insufficient, it should lay itself open to the charge of misleading public opinion in Europe. But I answer that your intelligence would

not be prepared for the foreign public at all. It would be intended for the agents and servants abroad of the American people, and it might, I think, be safely left to the discretion of those agents to make a proper use of their information. Why should they not be as discreet in regard to their intelligence by telegraph as in regard to that which comes by post? The difference is simply that letters or newspapers by the ordinary conveyance are as antiquated when they arrive as a letter would be if sent from Washington to New York by a messenger travelling on foot, instead of by the railway. Of course what I should most crave would be a summary of facts of the past half week, made up under your eye by some one in whom you confide, and sent from Washington on the morning of the departure of each regular steamer on Wednesdays and Saturdays. If anything of grave importance occurs on the day when the steamer is touching at Halifax, that also should be sent in a separate telegram. The word "official" might be appended to any statement that was officially known at the time of writing. Where that word was not added it would be inferred that the writer believed the statement made, but did not vouch for it. The character of the person writing the telegraphic letter would be the best guarantee. Let simply a man of intelligence and honesty put down those things which *are known* to have occurred during the half week. I am aware that there is always a margin for mistakes and self-deception, and the recipient of the intelligence will always make proper allowances. But you must remember the immense advantage which the reader will have in knowing that what he reads is sent sincerely for his instruction; that it is only sent in the interest of truth; that it is intended neither to extenuate facts nor to set them down in malice, nor to invent success, nor suppress disaster; not to affect the market price either of confederate loans or United States bonds; not to favor the views of European stock jobbers or parliamentary stump orators; but simply to enable the representatives of a great and much calumniated nation to do their duty undisturbed by the machinations of its enemies.

The source of the information and the object for which it would be sent would insure its healthfulness. An occasional error would not be so mischievous as the perpetual atmosphere of errors, delusions, and ignorance in which we now exist. The telegraph letter should be sent from Queenstown at once to the chiefs of the various United States legations in England, France, and the continent, in order that they might receive it on the day of the steamer's arrival there. I repeat that it should be left to their discretion to make a proper use of their information. The governments to which they are accredited and their influential colleagues would always be interested to be informed of facts which were both new and authentic. The public press, which is often rather indifferent than hostile to the United States, and in many regions friendly, might occasionally receive an indirect communication of facts, when in the interest of truth such communications seemed desirable.

Should it not be found feasible to send this telegraphic letter from Washington, for the reasons suggested in your despatches Nos. 77 and 78, it would surely not be impossible to discover some trustworthy and intelligent person in New York who might be charged with preparing it. For example, the telegraphic despatches regularly sent by the Secretary of War to General Dix supply the whole American public with information. Those very telegrams published in the American journals reach us in that way by post many days later than they might do if sent directly to the legations by telegraph. You can have no idea of the effect, both irritating and paralyzing, produced on even the most robust organization by the manner in which all the information of the great events in which we are all so deeply interested is thus poisoned at its source.

But I have already said so much on this subject that I do not like to say more. I entreat you, simply by way of experiment, to cause such a simple summary to be sent either from Washington or New York. If it works ill it can

be discontinued after a fair trial. I think the official stamp very desirable, but not indispensable. Were I rich enough, so important do I consider fresh intelligence, I would employ a private friend to send me such a telegraphic letter twice a week so long as I occupied an official position abroad; one whom I could trust not wilfully to deceive me, and not simple enough to swallow every half hour's wonder, whether of victory or disaster, as gospel truth; and I think I should have no difficulty in finding such a person. The three days' grace which such a chronicler has for sifting the truth, would preserve him generally from very grave errors.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

P. S.—I subjoin a telegram from the Vienna papers received just as I finish this despatch. It is five days since we received any intelligence, and now receive this budget:

"NEW YORK, July 27.—A desperate battle was fought near Atlanta on the 22d. The result was undecisive. General Sherman took a position in the fortifications. Hunter has been beaten and retreated to Harper's Ferry. A new invasion of Maryland was expected. Gold premium 156½; London, 280."

We must now wait five days until we get letters or papers of this same date. You can tell better than I whether on the 27th you could have sent a more correct or ample budget of intelligence for the last four or five days than this.

P. S. 2d.—Mr. Charles Hale, agent and consul general of the United States to Egypt, has just passed through Vienna, purposing to take the packet of the 12th from Trieste for Alexandria, to reach Alexandria about the 17th instant.

Mr. Motley to Mr. Seward.

No. 72.]

LEGATION OF THE UNITED STATES,
Vienna, August 29, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches, Nos. 79 and 80, of July 26 and August 1, respectively.

I thank you for the accurate and interesting intelligence which they convey as to military affairs. I ought to add, however, as further illustration of the subject of which I have so often spoken, that the despatch of August 1 did not reach me until after telegraphic fragments, such as they were, up to the 10th of August, had been printed in the public journals here.

The failure of General Grant's efforts to carry the works of Petersburg by assault has occasioned more than usual delight throughout Europe, to judge from the prevailing tone of the press, and has caused the display of more than the usual amount of wisdom in deductions and prophecies. Of course, the campaign is at an end. Washington is to be immediately captured, and the "north" (whatever that may be) is about to beg for peace, which will be granted only on ignominious conditions, and so on. The "negotiations" at Niagara Falls are also gravely commented upon, as if they had been conferences preliminary to a treaty of peace between two independent nations, instead of a shallow election-eering trick.

But I will not weary you with such discussions. We are hoping to hear such news from Atlanta and Mobile, and at a later moment, from Virginia, as will justify to the world the confidence which all loyal Americans feel as to the issue of our great struggle, and which seems overweening to those only who never give themselves the trouble to examine the reasons on which it is founded.

The incident of the past week in Vienna has been the visit of the King of Prussia to his Imperial Royal Austrian Majesty. The King arrived on Saturday, the 20th, at the palace of Schonbrunn. On the 21st there was a play performed at the private theatre in the palace, to which the higher officials and the court society of Vienna, together with the diplomatic corps, were invited. At an interval between the acts a circle was held in an adjoining drawing-room, at which the foreign ministers were presented to the King of Prussia. The visit of his Majesty was prolonged until the 25th, but the diplomatic body had no further part in the festivities in honor of the royal guest.

The relations between the courts of Austria and Prussia are supposed to be very cordial; but it is not believed that any very grave negotiations took place during the stay of the King.

The negotiations for peace between Denmark on the one side, and Austria and Prussia on the other, are slowly proceeding. So far as I am informed, no great progress has been made in settling the question as to the sovereignty of the duchies.

It is no secret, I believe, that the Prussian government is not at present favorable to the claims of the Prince of Augustenburg, and there seems an inclination to bring more prominently forward the pretensions of the Duke of Oldenburg.

Nothing has been settled either by the Bund or between Austria and Prussia. There is an absence of news of all kinds, and I shall not take up your time by speculations as to the future course of events, which do not concern us very nearly, and the development of which we may, therefore, await with patience.

The main question—that of peace or war—has been decided, and Europe at present has a very pacific aspect.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

P. S.—It is, I believe, understood that the administration of Holstein, so long as the question of sovereignty is in abeyance, will be in the hands of four commissioners—one from Hanover, and respectively, (the two powers to whom the "execution" was originally intrusted,) together with one Austrian and one Prussian commissioner. Schleswig and Lauenburg will remain in possession of Austria and Prussia, and be governed by commissioners from those powers.

Among the various conjectures as to the future, the most plausible would seem to be that Austria might acquiesce in the annexation of the duchies to Prussia in return for a guarantee—by force of arms, if necessary—by Prussia of the non-German provinces of this empire. Of course, this is merely mentioned as a conjecture.

Mr. Motley to Mr. Seward.



No. 78.]

LEGATION OF THE UNITED STATES,
Vienna, October 23, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches, Nos. 87, 88, 89, 90, 91, 92, 93, 94, and 95, of dates August 26, (two,) 29; September 19, (two,) 24, 26; October 4, (two,) respectively; and a circular of date September 12.

I thank you very earnestly for the full and authentic intelligence they convey as to political and military events, the general character of which is certainly

most encouraging to all who sincerely love their country, and have an abiding faith in the noble destiny of the commonwealth of the United States.

I have nothing especially new to report of European affairs. There has been a lull of considerable duration in the long agitation of the political surface.

The peace between the German powers and Denmark has not yet been signed, but it is thought that no obstacle exists to its a signature in the immediate future. The treaty, when concluded, will doubtless be published, and as there is probably nothing in the details of any especial interest to us on the other side of the Atlantic, I have not thought it desirable to call your attention to such portions of them as might become known during the progress of the negotiation.

After the scission of the provinces from the Danish monarchy has been consummated, the question of the sovereignty will press very strenuously for its solution, and there will probably be much animated debate before the succession question has been settled by the Diet at Frankfort.

I am not in possession of any state secrets, and certainly should never affect in this correspondence to enjoy such an advantage; even supposing it to be an advantage to a representative of the United States government, and supposing that there were really very many profound mysteries in the diplomatic world to be discovered, I have, therefore, always abstained from attempting to cast any horoscope as to European politics, save to give the result of my observations from time to time as to the general question of peace or war in the immediate future, always an important one to us.

At the beginning of the year a war between Denmark and Germany seemed inevitable, as I ventured to state. During its progress it appeared probable, from the menacing language and attitude of other powers, that the local war would expand into a more general one. That fear has since been expelled, and it is even possible that Denmark may now be more tranquil, deprived of provinces which it was unable or forbidden to incorporate, than during that period of struggle against an inexorable conclusion, which has been terminated by the war, and the consequent triumph of the German powers.

The "personal union" which at a certain stage of the proceedings might probably have been secured by Denmark, would hardly have been more than a very temporary arrangement. I am not able, therefore, to inform you who is to be the sovereign of the duchies, although I suppose it to be probable that Lauenberg will be annexed to Prussia.

As to the future settlement of the "burning questions" of Europe, I pretend to no powers of prophecy. I doubt, too, whether there are many European statesmen who would be willing to hazard predictions with confidence. There is logic in events, but syllogisms can with difficulty be comprehended until they have been fairly propounded by time. Academic dissertations about Prussian ambition, and its possible schemes of annexation and mediatization; the chronic dualism between the great kingdom and the great empire of Germany and their historic rivalry for the hegemony of the great people by which central Europe is mainly occupied; the embodiment of the German state-right principle in the policy pursued by the middle and lesser powers; the remodelling of the map of Europe, and, in general, the possible future of the world in this century or the next, are interesting and important themes for philosophical and historical speculation, but have surely no place in a diplomatic correspondence, especially in that of a transatlantic power. I shall only say, therefore, that, so far as my observation can reach, no political changes seem very imminent, and the immediate future can be expressed by negations.

It does not seem to be very probable at present that Schleswig-Holstein will be annexed to Prussia, or that the German confederation will be strengthened or weakened, or essentially modified in any way, or that France will extend her frontiers, or that the King of Italy will reign at Rome, or that independent

Poland will be reconstructed, or that Venetia will cease to be a part of the Austrian empire—at present that the instinct of the governments, if not of the nation, is for peace, for the husbandry of state resources, and for the development of internal industry.

I have nothing to say of the famous French Italian convention of September. Two years hence is a long way into the future. It is not probable that this government would look with satisfaction on the downfall of the Pope's temporal power, even supposing that such an event were a possible result of the treaty. It is very certain that Austria would abstain from any unprovoked attack upon Italy, or upon any power; and I suppose it to be equally certain that she would resist to the utmost any attempt to deprive her of Venice and the Lombard quadrilateral. I neither comment nor moralize, but give you objectively what seem to me the actual facts.

Austria is sincerely desirous of peace with all the world. Her financial condition is not very satisfactory at present, and there is a varying but considerable deficit. The rate of taxation is very high. In Vienna one-third of the rents of real estate goes to the tax gatherer, and there is an income tax of seven per centum. The debt is about three thousand millions of florins, including the fund for disencumbering the soil from feudal charges, (*Grimdentlastungs steuer*;) nevertheless, the resources of the empire are very great, and with a long period of peace, and a more thorough development of liberal institutions, there is no reason why the wealth of the empire should not be vastly increased.

The statesmen of Austria are well aware that the least profitable it feom national expenditure is war-making. There is a strong party, too, who believe that the old system of exclusive tariffs, and of what is the fashion in many parts of the world to call protection of native industry—that is to say, taxation of the mass of the consumers of a country for the benefit, not of the national treasury, but of a certain class of producers—is an error, and a very expensive one. But the production of beet-root sugar, of native tobacco, of spirits and wines, and many other articles, which could be purchased far more cheaply and of better quality in foreign countries, has been immensely stimulated by protection, and the classes interested are too powerful not to be able to oppose with success any sacrifice of their vested interests.

The new Zollverein, which will be formed on the basis of the recent French-Prussian treaty at the expiration of the original one after next year, will include nearly all the states of Germany, excepting the Austrian empire; and the tariff of duties will be considerably lower than those of the present Zollverein, and, of course, than those of this empire. There is much negotiation, I believe, between Austria and Prussia on this subject, and it is supposed some bitterness, as the political as well as commercial advantages ensuing to Prussia through the new customs union are thought to be great.

As you are well aware, the direct trade between the United States and Austria has sunk to an almost imperceptible amount. The direct exportation from the United States to Austria, in the year 1862, was \$35,615, although, of course, a considerable portion of the exports to Bremen, Hamburg, and the Zollverein, which in the same year amounted in all to nearly thirteen million dollars, was sent to Austria. Nevertheless, it will at some future day seem most astonishing that the traffic, direct and indirect, of seventy millions of people, about equally divided between the republic and the empire, could be kept within such infinitesimal proportions, mainly owing to the prohibitory legislation of both countries. There is a kind of panic in the Vienna bourse, and there has been a rise in the gold agio of a few per cent.—a very trifling matter in comparison with the spasmodic oscillations of our own exchange, but one which, nevertheless, causes uneasiness. The premium on specie is now about 17. The panic is partly ascribed to the large purchases going on in financial centres, like Frankfort, of United States bonds, and a corresponding sale of Austrian

securities. Certainly, to those who believe in the continued existence of the United States in the family of nations, the prices of our stocks are tempting. It is not often that the obligations of a great commonwealth pay an interest of 15 per cent. to the purchaser. When one recollects that the nation whose credit stands thus low adds one-third to its population and doubles its capital every ten years, and has never been delinquent to its plighted faith since its government was established, it may be supposed that there are individuals hardy enough to venture upon such a speculation, notwithstanding the enormous falsehoods and calumnies which have been sown broadcast through the world by our enemies.

I should say that a considerable change in the public opinion of Europe in regard to our affairs had taken place of late. It begins to be thought possible that the republic of the United States may, after all, prove to be the fact, and the slaveholders' confederacy the fiction; and the world of late has been somewhat less forward than before with school-boy declamations about the horrors of war and the blessings of peace. Writers or speakers who imagine that the American people, in defending their national existence and their free institutions against the revolt of the slaveholders, were simply inspired by a love of carnage in the abstract, and by a desire to sacrifice themselves, their children, and their worldly goods for the mere amusement of carrying on a terrible war, are perhaps a little less admired than they have been. Those Europeans, on the other hand, who could understand from the first the great purpose, the high resolve, the steady progress, and the unfaltering energy of a great people, when engaged in a work which Providence had imposed upon this generation of Americans, rejoice at the result which now seems to them secured—that negro slavery, and the oligarchy based upon it, are to be numbered with the things of the past. They have seen that no war of which history has preserved a record was ever more definite or more logical in its object, more humane in its details, or more thoroughly justified by reason and the highest considerations of humanity.

For the American republic to have accepted the political annihilation threatened by the slaveholders, from a base fear of the perils and sacrifices of war, would have been to proclaim itself unworthy to be the guardian of popular freedom and free institutions in the western world.

The Reichsrath has been summoned by his Imperial Royal Majesty to assemble on the 12th of November.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, &c., &c.

Mr. Motley to Mr. Seward.

No. 82.]

LEGATION OF THE UNITED STATES,

Vienna, November 8, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch, No. 99, enclosing copy of a despatch from Mr. Jackson, United States consul at Halifax, in which certain reports are given from Charleston and Halifax newspapers in regard to a supposed scheme for shipping 30,000 or 40,000 Polish soldiers for the rebel armies. I shall not neglect your instructions to use due vigilance towards thwarting the scheme referred to; but I would say that, so far as Austrian Poland is concerned, the state of siege in that country still ex-

ists, and it would be extremely difficult for any recruits for this Polish confederate army to cross the frontier in any direction, except with permission of the government, which assuredly would not be given.

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Motley to Mr. Seward.

No. 84.]

LEGATION OF THE UNITED STATES,
Vienna, November 19, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches, Nos. 100, 101, 102, of dates October 18, 24, and November 1, conveying summaries of military intelligence up to their respective dates.

The Reichsrath was formally opened on Monday the 14th of this month, at 11 a. m. The members of both houses were assembled, as usual, in the place, to hear the speech from the throne. The hall of ceremonies was surrounded with temporary seats for such spectators as were provided with tickets of entrance. On the right of the throne were the places reserved for the empress and the ladies of the imperial family and household. On the left was the tribune of the diplomatic corps, most of the members of which were present.

The Emperor took his seat upon the throne at 11 o'clock, the archdukes of his family being grouped on his right, the cabinet ministers and the great officers of state on his left. The reading of the speech occupied about twenty minutes.

You will perceive, by a translated copy of the speech which I append, that the Reichsrath, now assembled, is designated as the collective representation of the empire. The election of members for Transylvania, which took place before the conclusion of the last session, is considered sufficient to give the assembly this general character, which, as long as no deputies had been sent from beyond the Leitha, was not supposed to exist.

You will observe that a hope is expressed that "constitutional activity will soon reappear in the eastern half of the empire." Whether Hungary and Croatia, to which allusion is here made, will soon follow the good example of Transylvania, must still be deemed very doubtful. Nothing is said, and I should think very little hoped at present as to Venetia's being brought into actual constitutional connexion with the empire. The empire of Austria, like the old empire of Germany, of which it is the residuary legatee, is forced to struggle, in this commencement of its constitutional existence, with the centrifugal tendency which has always been the leading characteristic of German political organisation. Of more than three hundred deputies composing the imperial parliament, about one hundred and fifty thus far have been elected. Hungary, which has been a kingdom with a comparatively liberal although feudal parliament during the long period of German absolutism, seems still indisposed to merge its independent existence in that imperial unity which forms the leading object of Austrian statesmen in the new period of constitutionalism. There has been thus far, however, sufficient central force to compel the political cohesion of the various portions of the empire, even although the voluntary constitutional assimilation is still wanting. The statesmen of Austria are well aware that without this compulsory cohesion the empire would cease to exist. If torn by internal dissensions, it would necessarily become the prey of jealous neighbors and rivals. In this connexion I would call your attention to a re-

markable address just delivered to the house of deputies by their president or speaker. This officer is not elected by the chamber, but is appointed by the crown. The address partakes more of the nature of a historical and philosophical lecture than of a parliamentary speech; and the orator is, of course, only expressing his own opinions, not making a political manifesto. There is much depth of thought and vigor of illustration in the harangue, and it possesses great interest both for the light thus shed by a philosophic mind upon Austrian and upon German affairs, and by the reflection indirectly and unintentionally thrown upon many points in our own history and polity.

"The elements out of which the Austrian monarchy has compounded itself" says President von Hasner, "were, in the stage of their development, broken up into states. * * * The parts, had history allowed it, could have remained independent, and have really become states. As, however, they combined themselves into a higher legal unity, they could not deprive that unity of the right to develop itself into that form of universality which is the state, for the state must be somewhere. * * * Now there are certainly various forms of state powers, but that particular form according to which the shattered power of the unity belongs to the various parts, is the negation of the state—it is impossible. One will not venture, I hope, to call this a mere theoretical dispute. It is the skeleton upon which the flesh of all political discussion must form itself. In it is made manifest the totality of our situation, for the *absolute* state never understood how to make the political signification of the modern United States dear and valuable to the parts united in it. While, however, it did not understand how to awaken their interest, it at the same time left with them a dim consciousness of their own rights. Thus only is it conceivable that even on this day of reawakened liberty, the parts thus united could not hail it as the realization of their wishes; but, on the contrary, withdrew themselves, shyly, into the warm corner of their so-called well-won rights. This was the ground upon which the Austrian constitution arose."

The position of Hungary and other kingdoms and provinces, in their attitude of passive resistance to the constitution of 1861, could not be more adroitly or philosophically indicated. How soon those "shy" members of the United Empire will be drawn out of the "warm corners" of their ancient feudal privileges remains to be seen. To attract them into the imperial constitutional union is now the great object of the government. So far as I am informed, however, they are likely for the present to maintain their coyness.

But if Austria, which is after all a great imperial, powerful organism, an essential element of the European pentarchy, is forced to struggle so strenuously against the elements of dissolution thus indicated by one of her leading constitutional statesmen, how much more potent is the centrifugal tendency of the various component parts of Germany, whose fictitious unity is represented by the Bund. Those Americans must be blind to all the teachings of history who can fail to find pregnant lessons for ourselves in the perpetual efforts of Germany towards that unity of which the course of its history has deprived the German people. The historical result, solemnly established and recorded more than two hundred years ago by the congress of Westphalia, was the disunion of Germany, and the recognition of the sovereignty of its many states. The historical result established by the constitutional convention of 1787 in our country was the unity of America, and the virtual abdication of sovereignty by the States. Our state for eighty years has been the United Republic. The state in Germany has been, for centuries, Wurtemberg or Hanover, Prussia or Austria, Leppe-Detmold or Walderk, or however the greater or minuter atoms of nationality may be designated; yet, strange to say, while it is the constant effort of the most liberal and the most patriotic minds in Germany to bring about that national unity which has never been, but of which the Bund at least expresses the perpetual hope, it is the desire of various parties in America to

reduce our magnificent Union to the helpless condition of a confederacy, from which the wisdom of our ancestors so fortunately rescued us. I shall not pursue this train of analogy, but I cannot resist adding a further paragraph or two from the address of the Austrian "President" in regard to the German question.

"Here, too," says Mr. von Hasner, "it seems to me our position is clearly limited on the one part by our legal obligations, while on the other side a correct appreciation of history will guard us against contradictions and precipitate action. The centrifugal movement of the history of the German empire has formed the twigs of the German oak into trunks. To unite them again to the original stem is the impulse (*drang*) of the German people. In a history centuries old, the real form of the German empire has grown ever paler and paler, through the development of provincial sovereignty, until, in the peace of Westphalia, the parts became states, and the empire was converted into what Puffendorf has described as a political monstrosity. The German question is the demand for nullification against this last lawsuit of world-history. Whether the suit is still to be gained, whether the parts now developed into states—yes, and great states—will ever assent to any essential curtailment of their sovereignty, on this I will disturb no man's faith. But the history of German political life, and the experience of later times, make it clear to me that a real unity will not spin itself like silk out of the chrysalis of the Frankfort Diet, and that it will never be possible by free consent to establish a general form of government whose appearance would not rather injure than content the German people. The strong hand, however, which could do this by force I do not see.

"That which Charlemagne, a thousand years ago, could not permanently effect, that I think will hardly be attempted by the Epigoni. Germany's Chæroneæ and Philippi are not to be feared from Prussia. Austria's centre of gravity is by far not in Ofen, but Germany's centre of gravity is by far not in Berlin."

On the 18th of November the finance minister, M. von Plener, made his annual report, bringing in the budget for 1865. It is understood that the budget for 1866 will also be presented so soon as the discussion upon that for the next coming year shall have been terminated.

Although the nominal deficit is less for 1865 than it was for any one of the three preceding years—to go no further back—yet the effect produced by the financial statement does not seem very cheerful. The sum total of estimated expenses for 1865 (ordinary and extraordinary) is stated by the minister at 548,705,412 florins; the sum total of receipts as 518,227,816 florins. There is therefore a deficit of 30,477,596 florins to be covered.

The Austrian share of the cost for the campaign in Schleswig-Holstein is fixed by article XII of the treaty just concluded with Denmark at the round sum of eighteen millions, to be repaid by the duchies. If this is collected during the coming year the deficit would be reduced in round numbers to twelve millions.

The critics of the statement, however, maintain that two items of the estimated receipts, viz., about sixteen millions to be derived from the sale of certain state domains and mines, and ten millions of pounds from a former loan contracted in England, but not yet paid in, are not reasonably to be charged as income. If added to the balance left, after deducting the claim on the duchies, the result would be a deficit of $12 + 16 + 10 = 38$ millions of florins. On the other hand sixty millions of debt maturing the coming year are to be paid off. Whether this is to be a real reduction of the debt, or a mere substitution of one form of indebtedness for another, it is not at present in my power to state. A favorable feature of the exhibit is that instead of the deficit for 1862, formerly estimated by the minister at nearly ninety-eight millions, a real deficiency of, in round numbers, only seventy-five millions has subsequently manifested itself,

the difference being caused by a larger yield from the taxes (especially in Hungary) than had been anticipated. Thus the deficit during the last four years, from 1862 to 1865, inclusive, would be $75+62+109+30=276$ millions of florins, or an annual average of about seventy millions of florins.

The chief items of expenses for 1865 are:

The court, (civil list).....	7, 421, 144 florins.
Foreign office.....	2, 374, 430 “
State department.....	31, 104, 350 “
Hungarian chancery.....	12, 071, 015 “
Finance department.....	342, 876, 466 “
Ministry of commerce.....	13, 606, 741 “
Ministry of justice.....	8, 204, 894 “
Ministry of police.....	3, 372, 864 “
War department.....	105, 767, 772 “
Navy.....	11, 102, 766 “

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

VIENNA, November 14.

The formal opening of the Reichsrath by the Emperor in person took place to-day in the great hall of ceremonies of the Hofburg. The Emperor said:

HONORED MEMBERS OF MY REICHSRATH: After arrangements have been made during the former part of the session by which the Reichsrath, in force of its constitutional right, is enabled to treat subjects of legislation common to all my kingdoms and countries, I have convoked that body for the execution of this purpose as the collective representation of my empire. While I now formally open its session, I greet you, the archdukes, and princes of my house, most honored and illustrious gentlemen of both houses of the Reichsrath. It is my intention, so soon as the termination of your duties shall have brought this session to a close, to allow the lesser Reichsrath to come into operation. I also expect that in the eastern portion of my empire the same constitutional activity which has so happily prevailed in my principality of Siebenburgen will everywhere begin afresh. To this object, which I desire shortly to see achieved, not only in the interest of those kingdoms, but also of my whole empire, the chief endeavors of my government are directed. Confidence and real unanimity will conduce to blessed results. A series of events important not only to my family, but also to the whole empire, have occurred between the close of the last session and the present day. The acceptance of the Mexican imperial throne, with my consent, on the part of my brother, the Archduke Ferdinand Maximilian, now Emperor Maximilian I, of Mexico, has rendered necessary a settlement of the rights of the agnates thereby brought under consideration. For this purpose I executed a family compact at Miramar, on the 9th of April in the present year, which my government is authorized to communicate to you.

Animated by the earnest endeavor to assist in the preservation and maintenance of general peace, I congratulate myself upon the good understanding and friendly relations existing between my government and the other great powers of Europe. I shall not cease to uphold these relations, and to do everything in order to preserve my empire, at present occupied with so many important tasks, from foreign complications.

A subject of dispute for many years in the north of Germany has just been settled in the most honorable manner. The representatives of my empire will participate with truly patriotic feeling in my satisfaction that a close which contains the fulfilment of the highest expectations has been put to the war between the German powers and Denmark by the treaty of peace signed at Vienna on the 30th October, and the ratification of which is expected in a few days. The courage of the allied troops and the navies of Austria and Prussia has conquered that splendid prize, and the wise and just reticence of the neutral powers has facilitated the final understanding. The high value of the unanimity between myself and my august federal ally, the king of Prussia, has again been proved by memorable results. But I do not doubt that in face of the glorious and happy solution of the question by which Germany has been excited to her inmost core, the entire country will again find that concord which affords so powerful a guarantee for her own safety and welfare, as well as for the quiet and equilibrium of Europe. To my regret, the unfortunate influence which events in

the kingdom of Poland have recently exercised upon the countries bordering my empire, have imposed upon my government the necessity of undertaking exceptional measures in those countries for the preservation of internal quiet, and for the protection of the person and property of the peaceable population. They have been accompanied with successful results for the security of these imperilled interests. I have perceived with satisfaction that a portion of these measures have already shown themselves capable of being dispensed with, and I gladly give myself up to the expectation that they may be entirely withdrawn at no distant period.

The finances of my kingdom will claim your special attention. It was not possible that the unfavorable conditions which everywhere govern the European money market could be without obstructive influences on the progress of the politico-economical and financial development of Austria. In this unmistakably difficult situation the payment of the increased demands of the state has yet constantly been punctually provided for. The earnest striving to economize affords satisfactory expectation that when the extraordinary state expenses still at present existing have been surmounted, the disturbances in the finances and in the equilibrium of the budget will at last be removed. Two budgets will exceptionally be laid before you in the present session, viz., that for the year 1865, and immediately afterwards that for the year 1866. By this transitory measure it is intended to introduce a settled succession of time in the sessions of the Reichsrath and the provincial diets, and also insure the possibility of concluding the labors of the budget prior to the commencement of the financial year.

The first financial law, constitutionally passed, has been included in the general budget for 1865; the last will be laid before you in this session by my government. I recommend to your especial attention the bills to be brought in for the regulation of the direct taxation, the speedy operation of which is to be desired as much in the interest of a more just and equitable partition of the burden of taxation as of a provision better corresponding to the demands of the state.

Your attention will also be directed to the consideration of other financial measures, with the object of improving existing laws, and the partial, not unimportant, alleviation of the burdens of the tax-payers.

I mention in this category a bill to lessen the poll tax in my principality of Siebenbürgen.

For several years past the politico-economical unity of Germany, which is designated in the 19th article of the federal act as the object of the efforts of the federation, has taken more decided shape in later treaties, and one more in conformity with the requirements of the time. This question has engaged the full attention of my government.

To bring about a successful solution of this problem, which is of importance to the federal Diet, and greatly concerns the interests of Austria, negotiations have become necessary, which are now being conducted by my government with that earnestness befitting the subject. The result of these negotiations will be communicated to you by my government, and I hope that they will not be without favorable influence upon the establishment of the new customs tariff which is to come into operation in the course of this session.

Recognizing the advantages which will accrue to my empire in every respect by the increase of means of communication, I have commissioned my government at once to direct their uninterrupted and energetic labors to the preparation of a plan for the formation of a network of railways sufficient for the wants of my kingdom and principalities. Conformably to these views, my government will bring before you a series of bills in reference to the state guarantee to several new railway undertakings. At any rate, in the course of this session, and as soon as possible, a bill will be submitted for constitutional consideration, having for its object the formation of a line to the principality of Transylvania, and through the interior of that country.

With deep regret I have perceived the heavy pressure to which trade in my territories, as well as elsewhere, has been exposed; yet the advanced position it has already taken up induces me to hope that, sheltered by the blessings of peace, its own power, and sound legislation, it will again attain a lasting and satisfactory development. Several bills having reference to politico-economical interests, as well as other matters coming within the province of the assembled Reichsrath, are being prepared by my government to be laid before you, and will be brought in for discussion in the course of the session. It is my wish, for the fulfilment of which your devoted zeal is a guarantee, to see the questions to which you are about to turn your attention speedily settled, since a series of important and voluminous bills has been prepared by my government for the consideration of the lesser Reichsrath, whose return depends upon that condition.

Honored members of my Reichsrath: While I dismiss you with the assurance of my imperial favor and grace to the consideration of the important questions before you, I am not unaware of their difficulties; but I have firm confidence that, with your counsel and assistance, I shall succeed in conducting the empire intrusted to me by Providence with a strong hand towards a fortunate future. I derive this confidence from the love and fidelity, from the sagacity and strength of my subjects, whom I recommend to the almighty protection of Heaven, wishing from my inmost heart that their destinies may conduce to the happiness and fame of their common fatherland.

CHILI.

Mr. Nelson to Mr. Seward.

No. 117.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, December 16, 1863.

SIR: It becomes my painful duty to report the total destruction by fire of the church of the *Compañia*, of this city, on the 8th instant, involving a loss of nearly two thousand five hundred lives.

It has been customary for some years past to celebrate the "month of May" with great pomp. Upon the 8th of December, the anniversary of the "immaculate conception of the Virgin Mary," the festivities always close with a grand illumination of the church, and appropriate ceremonies.

On Tuesday evening, the 8th instant, crowds flocked from every quarter of the city to the church, and by 7 o'clock every portion of the immense edifice was filled with a densely packed crowd, nearly all females, and the steps of the building and the street in front were also thronged.

The number of lights with which the church was illuminated is variously estimated at from ten to twenty thousand, the greater portion of them being paraffine lamps and chandeliers, many of which were suspended from the ceiling by cords.

As the last of the lamps upon the great altar was being lighted, a jet of flame was seen to proceed from an illuminated crescent, at the foot of a colossal statue of the Virgin. The assistant threw his poncho over the flame, with the hope of extinguishing it, but the highly inflammable liquid defied his efforts, and soon reaching the garlands of flowers profusely adorning the altar, shot upward towards the already overheated wood-work of the ceiling. In a few moments the lofty dome was wrapped in flames, the lamps and chandeliers being detached by hundreds, as the cords were burned, and, as they fell, scattered their burning contents upon the compact mass of people below.

It is well ascertained that at this moment but one of the main doors and two small side doors were open.

The terrified crowd, composed almost exclusively of females, as before stated, rushed frantically towards the doors. There being no pews or seats in the churches in this country, the congregation kneel in close proximity, so that rapid exit in case of alarm is difficult, if not impossible. Each one is kneeling upon the dress of her immediate neighbor, and innumerable skirts and crinolines are so involved as to prevent the possibility of quick and systematic movement. Very few succeeded in escaping, and these few bruised, scorched, and naked. The throngs which had succeeded in reaching the very thresholds of the doors became compact, immovable masses of human beings, and the flames, leaping with amazing rapidity along the arches and ceiling, darted down and enveloped them in a sea of fire.

As soon as the alarm was given I hastened to the spot, which is but two squares distant from this legation. The scene presented was horrible beyond description or conception. Within the scope of my vision were more than a thousand persons, manifesting by shrieks, groans, and actions, every conceivable form of human agony. Some were writhing in the embrace of the flames, stretching out their eager hands for that help which it was impossible to give, some standing with uplifted arms, some prostrate and insensible, some kneeling, with clasped hands, evidently commending themselves to Him into whose presence they would soon be precipitated.

Aided by Dr. Silvey, United States vice-consul for Valparaiso, and by others, chiefly Americans, we succeeded in dragging some of the victims from the doorways, and continued our efforts until the increasing flames and prostrate bodies showed that all hope of further assistance was gone. Among those prominent in rescuing the sufferers were Henry Meiggs, of California, Henry M. Keith, of New York, George Colton, of Rhode Island, A. Andrews, of California, C. T. Pearce, of Rhode Island, and W. Eaton, of New York.

At a little after 8 o'clock the last tower, containing a chime of bells, fell with a tremendous crash, and it became no longer possible to give the least aid to the burning victims.

There are but three fire-engines in the city, and they are small, inefficient, and badly served. They arrived at the scene some half hour after the beginning of the fire; but were so utterly worthless as to afford no assistance whatever. The flames subsided about midnight, from mere want of material on which to feed.

I visited the interior of the church the next morning, and nothing can exceed in horror the spectacle there presented. The whole pavement of the building was strewn with the swollen and disfigured corpses of the victims, while near the door were heaps of charred objects, only distinguishable by the shape as having been once human beings. They were rapidly removed to the cemetery, where one general grave was dug for their reception.

The official statistics have not yet been published; but from the secretary of the church, and the records of the hospitals, I gather that more than two thousand persons perished within the walls of the church, and that several hundred more died after removal.

The entire city is shrouded in gloom. The best, and some of the aristocratic families in the city, are the greatest sufferers. Many of the most elegant and accomplished ladies of the city perished. Youth and beauty, and old age, were overwhelmed in one common ruin. In several instances whole families were swept away, and their unoccupied houses are in the custody of the civil authorities.

Upon the 11th instant I addressed a note to his excellency the secretary of foreign relations, expressing on behalf of my fellow-citizens, and on my own, our profound sympathy in the distressing calamity which has overwhelmed the community, (see enclosure A,) to which his excellency replied, upon the 12th, informing me that he had been expressly charged by the president to signify to me the profound gratitude of the people and government of Chili for the exertions of the American residents upon the night of the catastrophe, and for their sympathy in the general mourning. (See enclosure B and translation C.)

These notes have been published in the papers of this city and Valparaiso by the government. The editorial articles in the *Mercurio* of the 14th, and in the *Voz de Chili* of the 15th, introducing the official correspondence, breathe so warm a spirit of kindness toward Americans that I deem it proper to enclose herein (marked D and E) copies and translations thereof.

Upon the 14th instant the president issued a decree ordering the demolition of the walls of the ruined church, and in spite of an opposition from the clergy, which at one time threatened to become serious and even bloody, the work is being quietly executed.

I have the honor to remain, very respectfully, your obedient servant,
THOMAS H. NELSON.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States.

A.

Mr. Nelson to Mr. Tocornal.

LEGATION OF THE UNITED STATES,

Santiago de Chili, December 11, 1863.

SIR: I have the honor to address myself to your excellency, to express, on behalf of the American citizens resident in Chili, and on my own, our profound and earnest sympathy in the terrible misfortune which upon Tuesday last befell this city, bringing desolation and grief into so many families, and mourning into the hearts of the entire community. The government and people whom I represent will be stricken with the deepest sorrow when the sad intelligence reaches them.

A calamity so appalling and horrible has no parallel in the world's history. May He who "tempers the wind to the shorn lamb" in mercy console the bereaved and afflicted, and may this awful dispensation of His providence ever remind us of the uncertainty of life, and the necessity of constant preparation to obey His summons.

I have the honor to renew to your excellency the assurances of the high estimation and respect with which I remain your excellency's obedient servant,

THOMAS H. NELSON.

His Excellency the SECRETARY FOR FOREIGN AFFAIRS,
of the Republic of Chili.

Mr. Tocornal to Mr. Nelson.

[Translation.]

SANTIAGO, *December 12, 1863.*

SIR: I have had the honor to receive the note which your excellency was pleased to address to me yesterday, to signify to me the profound regret caused in the mind of your excellency, and in that of your fellow-citizens residing in Chili, for the terrible misfortune occurring in this city on Tuesday, the 8th instant, which has carried grief into the minds of many families, and has covered the entire community with mourning. Your excellency likewise informs me that the government and people represented by your excellency will feel the deepest sorrow upon receiving the news of this catastrophe; and your excellency concludes, expressing to me your trust that the Lord may grant consolation to the afflicted and unprotected, and cause us all, in view of the uncertainty of life, to be ever prepared to obey the decrees of Providence.

My government has learned the foregoing with lively gratitude, and has discovered in your excellency's communication an alleviation to the grief with which it has been afflicted by this public calamity, as well as a new evidence of the fraternal sentiments which animate your excellency and your worthy fellow-citizens in favor of our republic. The generous and active efforts which your excellency and they displayed on Tuesday to save the interesting victims from the frightful fire had already won the gratitude of my government, which has been revived by the present manifestation.

In communicating the foregoing to your excellency, I comply with a special charge of his excellency the president of the republic to assure the honorable representative and the citizens of the United States who have taken part in our public mourning that the noble conduct observed by them upon this sad occasion will be ever gratefully remembered by the Chilean people and government.

Will your excellency be pleased to accept the sentiments of my most distinguished consideration and regard with which I am your excellency's most obedient servant,

MANUEL A. TOCORNAL.

[From the Mercury.—Translation.]

THE NORTH AMERICANS AT THE FIRE OF THE COMPAÑA.

VALPARAISO, *December 14, 1863.*

Not in vain do nations become reconciled and love one another. Not in vain do peoples give generous hospitality to people of good heart and elevated soul. There are solemn occasions in which the hand of God makes evident these noble bonds of fraternity, and one of these occasions have we witnessed, upon the scorching steps of the *Compañía*, arrive for our brothers the citizens of the free and magnanimous Union of the north on the horrible night of the 8th of December, 1863.

But a few years since the name of *North American* was for us only a source of suspicion, of antipathy, or threat. But when the question of *filibusterism*, which had its den among the slaveocracy of the south, and which met only opprobrium and reprobation in the free States of the north, was made clear, the reaction of justice began to be felt in our people. And when we saw this entire nation of the north rise as one man for the purpose of putting down the audacity of the defenders of William Walker and of the sacrificers of John Brown, that reaction was converted into sincere sympathy, which has been strengthened by the victories as well as by the reverses of the Union.

This conduct of ours has met the most cordial reciprocity on the part of the North Americans resident among us. Their representative, the worthy, courteous, and popular Thomas H. Nelson, has been the first to place himself in the midst of the Chilian people, participating in all their national festivities and public demonstrations, making us hear his eloquence not only in the official despatches addressed by him to this government, but in all the discourses delivered by him at our popular banquets. The conduct of Mr. Meiggs, especially towards the working and needy classes, is too well known to require us to refer to it here as an eulogium, as is that which, following his example, has been manifested by his subordinates. Let us only recall that to the enthusiasm of one of them is due the erection of the expiatory monument to Manuel Rodrigues in the valley of Til-til, and the sumptuous popular feast with which it was inaugurated.

But the cordiality of the Americans and Chilians was not only to manifest itself in draining joyous libations at the festive board. The hour of the catastrophe arrived and they were among the earliest to hasten to offer the generous aid of their strength and unselfishness.

Among the first to arrive at the doors of the *Compañía*, already a prey to the flames were Mr. Nelson himself and the consul of the United States at Valparaiso, Mr. Silvey, who, residing in the immediate vicinity of the church, worked in person from the beginning, exposing their own lives in order to save some victims. The same was done by Messrs. Meiggs, Keith, and some ex-employés of the Valparaiso railroad, who at that hour were met together in the house of the former, two-thirds of a mile from the scene of the catastrophe. We ourselves met Messrs. Meiggs and Keith on that terrible night, with grief upon their countenances, their clothing torn and soaked with water, and with voices so hoarse they could hardly speak; and having asked the former if he thought any had perished within the church, he replied, in a voice which froze our blood, *thousands*. Alas! he was one of the few, the only one perhaps, who had not been mistaken in that hour of terrible confusion. We are assured that Mr. Meiggs caused himself to be wet through on purpose, so as to enter into the midst of the flames. This is not humanity only, it is heroism.

We are happy that these sentiments are not the expressions of individual appreciation alone. The two public documents which we publish below, and which the minister of the (foreign) department has authorized us to give to the

press, place in high relief all that we have said upon the confraternity of the two nations.

May these eloquent documents and these weak lines bear to the citizens of the Union, not only in Chili, but in the entire universe, the expression of the profound gratitude due them for their noble conduct from the Chilenos.

E.

[From "The Voice of Chili."—Translation.]

THE NOTE OF THE MINISTER OF THE UNITED STATES.

SANTIAGO, *December 15, 1863.*

Mr. Nelson, sympathizing in the grief which weighs down our community in consequence of the catastrophe of the 8th, has addressed the following note to our government:

(Here follows Mr. Nelson's note of the 11th instant to Mr. Tocornal.)

We have read with profound sympathy and a lively sentiment of gratitude the above note, and we warmly grasp that generous hand which our brothers stretch out to us in our misfortune. They fraternize with us in the moments of our grief, proving to us that grief knows no nationality. Bound to the sons of the great republic of the north by the instincts of liberty, by the grandeur of the traditions of America, by the noble examples she has given us in her political life, by our common hopes for the future, by glory and danger, by the ties of humanity, they now come forward, in the person of their worthy representative, to place a solemn seal upon the union of ideas and sentiments.

Mr. Nelson, who has known how to conquer the sympathies of our society, by the frankness and chivalry of his character, comes now to augment and give deep root to those sympathies, sealing them with the inspiring of sincere gratitude. His note is not one of those diplomatic compliments, one of those official documents, cold as a reason of state, and calculated as an interest; it is not the obligatory condolence of a mere relation. It is the true cry of a feeling heart; of a soul profoundly moved by a brother's grief; it is the embrace of an entire people to another people in distress, confounding itself with that people to console it; bringing in all sincerity, under the mantle of fraternity, the noble sentiments which give resignation. These are his feeling words, words which can only issue from a wounded spirit, which sustains its life in hope and faith, looking towards "*Him who tempers the wind to the shorn lamb*," and bowing in conscious resignation before the mysterious designs of Providence.

Mr. Nelson first offered the aid of his arm to the victims; exposing, repeatedly, his life to save that of others perishing in that fiery furnace. He and many of his compatriots, with the most heroic forgetfulness of self, were there at the post of danger, braving it nobly; lending their powerful aid to the unfortunate who implored salvation. He did his duty, and did it like a man.

He now takes the voice of a people, of an immense and generous people, and brings to us the aid of that sweet consolation which so greatly relieves the suffering heart. We accept the manifestation of these sentiments, assuring Mr. Nelson that his words have fallen as a gentle balm into the wounds yet open in the vitals of our society, and that from every lip come forth sincere words, adorning his name with a crown of gratitude.

Our government has also received these words with profound gratitude; and in the name of the people it represents, has replied to Mr. Nelson in the following note:

(Here follows Mr. Tocornal's note of the 12th instant, in reply to that of Mr. Nelson of the 11th.)

These are the words of speaking conviction ; this is an embrace of humanity ; two sister nations embracing in the hour of misfortune, which is also the hour of duty ; who, together, elevate their prayers and lamentations to mingle in one sole idea, and aspire to the union of souls before the Divine presence.

If we have found words of grief, and sympathy to mourn over the misfortunes of that disastrous war which is tearing the vitals of the great republic, her sons turn away from that beloved horizon, and towards us, opening in their hearts a new asylum for the grief of their brethren.

Let Mr. Nelson receive for himself and his fellow-countrymen, in the name of our people, the assurances of our most sincere gratitude.

Mr. Seward to Mr. Nelson.

No. 58.]

DEPARTMENT OF STATE,

Washington, January 20, 1864.

SIR : I have to acknowledge the receipt of your despatch of the 16th of December, No. 117, which brings us your account of the fearful destruction of the Church of the Compañia at Santiago, on the 8th instant.

You were right in hastening, without awaiting for instructions, to tender to the President of the republic the condolence and the sympathies of the American people on the occasion of that afflicting visitation of Divine Providence. The sentiments you expressed in that communication are heartily approved by the President and by the whole American people; and their grateful appreciation is hereby tendered to the heroic conduct of yourself, Doctor Silvey, Mr. Meiggs, Mr. Keith, Mr. Colton, Mr. Andrews, Mr. Pearce, Mr. Eaton, and to the other Americans to whom you refer as a class, without mentioning their names individually, in endeavoring to rescue as many victims as possible from the inextinguishable conflagration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS H. NELSON, Esq., &c., &c., &c.

Mr. Nelson to Mr. Seward.

No. 123.]

SANTIAGO DE CHILI,

March 27, 1864.

SIR : In my despatch No. 99, of July 17, 1863, I had the honor to inform you of the conditional declaration of war made by Bolivia against Chili, founded upon the alleged wrongful appropriation by the latter of some three degrees of latitude belonging to the former republic.

In view of the evident determination of both republics to adhere to their claims to the disputed territory, and of the apparent impossibility of deciding by negotiation the questions involved, and in view of the interest held by our government in the settlement of the "Alsop & Co." and "Sportsman" claims, both dependent, principally, upon the decision of the questions involved in the discussion between the aforesaid republics, I ventured to suggest in my despatch No. 102, of August 1, 1863, that I be instructed to propose the reference of all the points in dispute to the arbitration of some friendly power.

In your despatch No. 48, of September 16, 1863, acknowledging the receipt of my last named communication, you stated "that it would be preferable for

those republics to refer their respective territorial pretensions to the arbitrament of a third power."

At the date of the receipt of this despatch, Doctor Thomas Frias, the minister plenipotentiary of Bolivia, had arrived in Santiago charged with the special mission of endeavoring to settle the question of territorial jurisdiction pending between that republic and Chili.

Doctor Frias had been especially charged by his government to consult with me upon the objects of his mission; and, after a number of conferences, I deemed it most decorous to defer the presentation of my proposition of arbitration until he had had an opportunity of presenting the views of his government, and of arranging, if possible, the question of limits, without the interference of a third party, intending to reserve my appeal until a time when every other resource had been exhausted, and when its effect would, perhaps, be more salutary.

A very voluminous correspondence ensued between the minister of Bolivia and the secretary of foreign relations. The latter insisted upon the withdrawal of the conditional declaration of war issued at Oruro June 5, 1863, by the Congress of Bolivia, and upon indemnity being granted to Don Matias Torres, a Chilean citizen, alleged to have been imprisoned and otherwise ill-treated by the Bolivian authorities, for exporting guano from the disputed territory, under license from the Chilean authorities. Mr. Frias, on the other hand, asked the sequestration of the disputed territory until the question should be definitely settled.

These demands were regarded by the respective ministers as conditions precedent to the discussion of the main question; but Mr. Frias finally desisted from his demand of sequestration, and simply asked that orders be given to prohibit further exportation of guano from the disputed territory pending the question of jurisdiction, but declined, at the same time, to accede to the demands of Chili, alleging that the conditional declaration of war by Bolivia was purely a domestic act, and that the criminal prosecution against Torres had been already suspended.

M. Tocornal having peremptorily declined to order such prohibition, M. Frias, upon the 24th ultimo, requested his passports, and upon the 2d instant sailed for Bolivia, diplomatic relations being thus entirely suspended between the two countries.

Upon the 25th ultimo, upon being apprised of these facts, I addressed a note (see enclosure A) to the secretary of foreign relations, deprecating the cessation of friendly relations between the two republics, and earnestly advising a reference of *all* the questions in dispute to arbitration.

To add force to my suggestion, the concluding paragraphs of my note were in language almost identical with that of M. Tocornal's own note of December 30, 1863, addressed to the cabinets of Quito and Bogota, imploring those republics to refrain from fratricidal strife, and giving up, each one, some portion of its pretensions, to submit the questions involved to the arbitration of some friendly power.

Upon the 7th instant the secretary of foreign relations addressed me, in reply, a communication, a copy and translation of which form enclosures B and C, wherein, after expressing the gratitude of his government for the friendly interest taken in the affair by my government and by this legation, he stated that the question of boundary had never been reached in the discussion between himself and the representative of Bolivia; that the honor and dignity of Chili demanded that, before entering upon the discussion of the main question, Bolivia should withdraw the threat implied in the conditional declaration of war, and should indemnify Torres; that the minister of Bolivia had distinctly refused compliance with the demands of Chili; that, while Chili was loyally anxious to enter upon the discussion of the main question, this refusal of Bolivia rendered it impossible; that Peru had tendered its good offices and friendly mediation for the settlement

of the boundary question, and that the government of Chili had hastened to inform it that, under these circumstances, it was with great regret obliged to decline availing itself at present of so generous an offer; that from that time to the present the state of affairs having undergone no change whatever favorable to mediation, he found himself compelled to give to this legation the same reply as that given to Peru.

Expressing a determination to avoid as far as possible the painful consequences which might result from this rupture, and a hope that Bolivia may yet return upon her steps and offer to Chili the reparation she demands as a condition precedent to all discussion, his excellency concluded by stating that in such an event it would be very grateful to Chili to recur, if necessary, to the friendly offices of the United States.

It will be observed that while my suggestion of arbitration embraced all the points in dispute between the two republics, the secretary of foreign relations, in his reply, has deemed proper to consider the boundary question as alone referred to.

It is my opinion that Chili will avoid a reference to arbitration of the questions in dispute, and that she will maintain her claim to jurisdiction over the desert of Atacama, especially since Bolivia is not in a position to recur to other arguments than those of diplomacy.

M. Tocornal having expressed a desire to publish the notes exchanged between this legation and the department of foreign relations upon the Chili-Bolivian question, I gave my consent thereto, and, upon the 19th instant, the correspondence appeared in the "Arancano," the official organ of the government. It was very generally copied into the newspapers of the country, and commented upon by them in a spirit of cordial good feeling towards the United States. (See enclosure D.)

While the instructions given me upon this subject were of a character more general than specific, I have thought it my duty to do all in my power to avert the disastrous consequences of a war between two sister republics of America, deeming it important not only to cultivate the most friendly relations between our own country and that to which I have the honor to be accredited, but also to interpose the good offices of our government to prevent the severance of those friendly bonds between the country of my residence and neighboring republics. I trust that my action in the premises may be approved.

I have the honor to remain, very respectfully, your obedient servant,

THOMAS H. NELSON.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States.

Mr. Nelson to Mr. Tocornal.

LEGATION OF THE UNITED STATES,

Santiago de Chili, February 12, 1864.

SIR: I have perused with the deepest interest the various arguments presented by the republics of Chili and Bolivia in behalf of their respective claims to jurisdiction over the desert of Atacama, and have most carefully studied the antecedents of the discussion so far as published.

It has appeared to me while Chili upon the one hand, maintains unhesitatingly her right of dominion over the territory in dispute, and Bolivia, upon the other, as persistently denies that right, that further discussion would but lead to the reiteration of opinions heretofore expressed, and not tend to the solution of the question of sovereignty.

These views were transmitted by me to the honorable Secretary of State of

the United States, who, in a recent despatch, has communicated to me his opinion and instructions upon the subject.

My government has observed with deep concern the gradual progress of events tending to weaken the fraternal relations heretofore existing between the neighboring states of Chili and Bolivia, and is ardently desirous that these relations be strengthened and maintained, and that the possibility of present or future misunderstanding be averted by a timely appeal to the calmer judgment and patriotism of the two republics.

It has been the custom of friendly nations, when amicable discussion has proven ineffectual, and when all the resources of diplomacy have failed to bring about a satisfactory settlement of questions pending between them, to refer the points of law and fact involved to the arbitral decision of some friendly power, whose award is invariably respected as final and conclusive.

The fact that claims, whose decision principally depends upon the settlement of the question of territorial jurisdiction now pending between Chili and Bolivia, have been presented by this legation in behalf of citizens of the United States for the consideration of your excellency's government, would of itself have furnished a motive for the suggestion of a reference of that question to arbitration; but even had such claims not existed, the profound interest felt by my government in the welfare of the sister republics of this continent, and its earnest desire for the preservation of the peace and harmony of the different nations of America, would alone have been sufficient to authorize this appeal.

I am, therefore, instructed by my government to earnestly deprecate any interruption to the hitherto cordial relations subsisting between the republic of Chili and that of Bolivia, and to suggest to the government of your excellency the wisdom and propriety of a reference of the questions now in dispute between the two republics to the arbitral decision of such friendly power as may be mutually agreed upon by the plenipotentiaries of the respective governments.

In thus fulfilling the grateful commission intrusted to me, of proposing an honorable and courteous mode of settlement of the complications which have threatened to disturb those friendly relations between two sister republics, whose welfare has ever been an object of solicitous interest to the United States, I am led to entertain a just confidence in the favorable reception by your excellency's government of this proposition, from the perusal of the eminently patriotic and fraternal notes addressed by your excellency, upon the 30th of December last, to the cabinets of Quito and Bogota, invoking, in eloquent terms, the patriotism and loyalty of those states to prevent fratricidal combat, and obtain by peaceful measures the just and honorable arrangement of their difficulties.

I cannot find words more expressive, or language more appropriate, for the utterance of my sentiments on this subject, than those of the notes above-mentioned, and cordially adopt, slightly paraphrasing, the words of your excellency. I am assured that the President of the United States, in view of the present situation of America, has believed that the noble self-denial natural to worthy and free nations, such as Chili and Bolivia, would respond to the word of peace from a common friend, and in that confidence does not waver in the hope that the respective governments, making the patriotic sacrifice of some of their pretensions, will submit themselves to the result of a friendly arbitration.

The great act to which the United States invite the republics of Chili and Bolivia would be, under present circumstances, a lofty instance that the states of America know how to lay aside their differences when the voice of her true interest requires it, and that they can thus unite and consolidate their power to avert all other peril which might threaten them.

And I beg to assure your excellencies most earnestly that if the good offices or friendly mediation of the United States might facilitate the attainment of the object of the present note, your excellency may rely with security that to such an end my government will omit no step whatever, and that nothing would be

more grateful to it than to render to that of Chili, as well as to that of Bolivia, these and any other friendly services.

I have the honor to renew to your excellency the assurances of distinguished consideration and high esteem with which I am your excellency's most obedient servant,

THOMAS H. NELSON.

His Excellency the SECRETARY OF FOREIGN RELATIONS
Of the Republic of Chili.

Mr. Tocornal to Mr. Nelson.

[Translation.]

[L. S.]

SANTIAGO, March 7, 1864.

SIR: On the 29th of February last I had the honor to receive the note which, under date of the 25th, your excellency was pleased to address to me in regard to the boundary question pending between Chili and Bolivia, and having given an account of its contents to the President of the republic, I have been instructed by his excellency to reply to it in the terms which I am about to use.

Your excellency assures me that you have examined with careful interest the antecedents of that question, so far as published, and that, in your opinion, any further discussion of the same would but lead the high powers interested to a confirmation of their respective opinions, sustained on either hand with equal pertinacity, and would be ineffectual to produce the desired solution.

The government of the United States, to whom your excellency informs me you have stated your views upon the question, has followed, with a solicitude equal to that of your excellency, the gradual progress of events tending to weaken the fraternal relations existing between Chili and Bolivia, and as a means of impeding their interruption, thus contrary to its ardent desire that they be maintained and strengthened, has instructed your excellency to manifest to my government the propriety and wisdom of submitting the differences alluded to to the arbitration of a friendly power, chosen by mutual consent.

In connexion herewith your excellency is pleased to remind me that such is the measure to which it is customary in similar cases, among friendly nations, to appeal for the purpose of settling their controversies by means of a final and conclusive decision; and your excellency adds, that even had not certain claims of that legation in favor of citizens of the United States, whose decision principally depends upon the settlement of these differences, been submitted to the consideration of my government, nor have furnished a sufficient motive for the vindication of the means proposed, the profound interest felt by your government in the prosperity of the sister republics of this continent, and its ardent desire for the preservation of peace and harmony among all the nations of America, would have been sufficient to authorize it.

In an opportune paraphrase which your excellency has made of my note of December 30, last, addressed to the cabinets of Quito and Bogota, your excellency concludes by signifying to me the confidence of your government and your own that Chili and Bolivia would accept the adoption of the arbitration indicated, and by giving me the assurance that the government of the United States would omit no effort whatever to bring about a good understanding, if its good offices or friendly mediation might facilitate it.

In replying to the foregoing it is my duty, before all else, to comply with the first and most grateful of the instructions which to that effect I have received from the President of the republic, expressing to your excellency the lively gratitude of his excellency for the friendly steps taken by the government of

the United States, through your worthy instrumentality. The President recognizes therein an unequivocal proof of the excellent and cordial spirit of fraternity entertained by the government of your excellency towards Chili, and discovers a new motive for drawing closer the good relations which happily she cultivates with the United States. The generous sentiments manifested by the great republic towards the other republics of America are, moreover, in the opinion of my government, a certain promise of future prosperity for our continent, which can only find her well-being and power in peace and liberty, based upon a sincere union of all the American republics.

Such a union has ever been the object of the highest aspirations of Chili, as has been clearly demonstrated by the traditional policy which she has observed in her international relations. Good faith, equity, concord, a spirit serene and open to conciliation—such have ever been the motives of her policy. Ever disposed to make many sacrifices for the preservation of peace, she has never refused, save such as would have sullied her dignity or wronged her legitimate interests.

This policy and none other has my government pursued, in the case to which your excellency is pleased to call my attention in its differences with the government of Bolivia. While it is indeed true, as noted by your excellency, that it has maintained its right to the dominion of the territory in dispute with the energy and decision proper to a righteous cause, it has not thought, as your excellency, that the discussion of these titles, and of those presented and sustained with equal vigor by Bolivia, must be fruitless. On the contrary, it believes that if such discussion could have taken place, a good understanding would have been arrived at, without much difficulty, and even without having recourse to the good offices of a common friend. It would have been all-sufficient for the representative of Bolivia to have brought to the debate sentiments analogous to those of my government—sentiments of conciliation and equity. Unfortunately the Bolivian legation was far from entertaining such sentiments, and, confining itself to an insuperable refusal to make the reparation due to Chili, has made fruitless the preliminary discussion which my government has consented to open for the purpose of smoothing the way toward that which would have turned upon the main question, the question of boundary.

Thus has it been that this question has not even succeeded in entering into debate, notwithstanding the loyal endeavors of my government toward that object, and contrary to what was natural to presume, and to what doubtless was believed, until the recent publication of the correspondence of this department with the Bolivian legation.

How erroneous was such a conjecture has been already manifested by the published correspondence; but perhaps, as is probable, it is not strange that it should have occasioned the friendly action which the government of Peru first, and later your excellency, have taken in the endeavor to bring about a good understanding.

When the government of Peru tendered its good offices and friendly mediation for the arrangement of the boundary question, my government hastened to reply that this question not being in debate, and it being impossible to discuss it until the difficulties opposed thereto were removed, it found itself, with great regret, obliged to decline availing itself at present of so generous an offer, which otherwise it would have been happy to accept.

From that time to the present the state of affairs has undergone no change whatever, favorable to mediation, or to any other means conducive to a friendly and satisfactory solution. The conduct of Bolivia has postponed the possibility of obtaining this result, which my government has sought with so much solicitude. I find myself, therefore, obliged to give to-day to your excellency the same reply which a short time since, as I have manifested to your excellency, I gave to the government of Peru.

In doing so I am instructed to express to your excellency the profound regret of my government at the rupture which has taken place in the relations between Chili and Bolivia, and its firm resolve to avoid, in so far as lies in its power, the painful consequences which may result from this rupture. It entertains the confidence of being able to do so, and even dares to hope that the government of Bolivia, permitting the access of more benevolent and equitable views than it has up to the present manifested, may return upon its steps, and offer to Chili the just reparation necessary to render possible the tranquil and friendly discussion of the pending differences.

Should this opportunity arrive, my government will seize it with satisfaction, and endeavor to profit by it, seeking a proper solution, either in the calm discussion of the titles alleged by the high powers interested, or in the adoption of some other honorable and pacific means. It will then be very grateful to recur, if necessary, to the mediation of the government of the United States, and to thus manifest how highly and gratefully it esteems the solicitous and fraternal interest it has shown in this affair.

I have the honor to reiterate to your excellency the expression of my most distinguished consideration with which I am your excellency's most obedient servant,

MANUEL A. TOCORNAL.

The ENVOY EXTRAORDINARY AND PLENIPOTENTIARY
of the United States of North America.

Mr. Seward to Mr. Nelson.

No. 63.]

DEPARTMENT OF STATE,
Washington, May 19, 1864.

SIR: Your despatches to 124 inclusive have been received.

I have to express my cordial approval of your course in the pending controversy between Chili and Bolivia, which I trust is still within the reach of a peaceful and honorable settlement.

The Senate having by resolution called for information on the subject, a copy of your No. 123 and of its enclosures has been communicated to that body by the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS H. NELSON, Esq., &c., &c., &c.

Mr. Nelson to Mr. Seward.

No. 127.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, May 16, 1864.

SIR: * * * * *

On the 29th ultimo intelligence reached Valparaiso that the Chinchá islands, belonging to Peru, had been forcibly seized by her Catholic Majesty's squadron, under the command of Admiral Pinzon. The whole country was immediately thrown into a state of the utmost excitement. Immense public meetings were held in every province of the republic, composed of all classes of the people of every shade of political opinion. The speeches, resolutions, and proceedings of these meetings evince a perfect frenzy of patriotic enthusiasm. Party lines, for the time being, are obliterated in view of the common danger. In this city, particularly, the popular sentiment is manifested in every mode in which an

excited public opinion can find voice. The press teems with inflammatory articles, the public institutions echo their warlike tone, voluntary military organizations are springing up all over the country, and a considerable sum has already been subscribed to aid in the purchase of one or more iron-clad vessels-of-war. Various associations have tendered their services in a body. The veterans of the war of independence, without an exception, have offered themselves to the government to repel the insult to a sister republic, to whose independence they had so materially contributed. Never has the public sentiment of any country been more earnestly and unmistakably manifested. All make common cause against what they conceive to be the common enemy.

Every effort has been made to force the government into a warlike attitude and its position became at once delicate and difficult. In the absence of sufficient facts to form an accurate judgment as to the designs of Spain, it was insisted that measures unfriendly, if not hostile, should be immediately adopted.

For the purpose of allaying the popular excitement, as well as to define the position of the government in this important crisis, Mr. Tocornal, the minister for foreign affairs, published a circular addressed to the "governments of America," dated May 4, 1864, a copy and translation of which I have the honor to enclose herein, marked A.

Although this document is eminently wise and patriotic, and at the same time firm and decided in its tone in regard to the ground that Chili should take in the event that her Catholic Majesty's government mean to exercise the right of "revindication" or reconquest; yet it was not considered by the press or the people, in the heated condition of the public mind, as sufficiently belligerent. Apparently nothing short of immediate unconditional war would answer.

Mr. Tocornal, I am sorry to say, yielded to the popular clamor, and on the 7th instant resigned his position. His resignation, under the circumstances, I regard as a public calamity. The country thus loses, in a most eventful period of its history, the services of one of its ablest and most faithful public servants. I regret it the more as our official and personal relations were most cordial, and because he has ever been a steadfast and outspoken friend of the United States.

Don Alvaro Covarrubias was indicated as his successor, and on the 11th instant I received the official announcement of his appointment, to which I responded the same day. (See enclosures B and C.)

No active hostilities having taken place since the occupation of the islands by the Spanish squadron, the popular effervescence within the past week has somewhat subsided, only, in my opinion, to break out with increased violence if the conduct of Admiral Pinzon should be approved by his government, or any further hostile acts should be committed. This republic will undoubtedly make common cause with Peru. The government will be irresistibly drawn into the conflict, or a domestic revolution is inevitable.

It is understood that orders have been issued to government officials along the coast to refuse coal and supplies to any Spanish vessel-of-war that may touch at any port in Chili.

In nearly all the public meetings that have been held, the change of conduct and policy of European powers towards the republics of this continent is attributed to the existence of the rebellion in the United States. But for this, it is thought there would have been no interference in the affairs of Santo Domingo, Mexico, or Peru. They, therefore, most earnestly pray for the speedy suppression of the rebellion and the reassertion of our traditional policy.

A few days ago, at a meeting of the officers, professors, and teachers of the University of Chili, the following resolution was introduced by the rector, the venerable juriconsult Don Andres Bello, which was adopted by acclamation:

"Resolved, That it is our duty in this crisis to solicit with earnestness the powerful influence of the United States of America. We have a well-founded confidence in the stability of the institutions of that grand people, in the policy of her illustrious chiefs, and in the great soul of Lincoln, the hero destined by Providence to complete the work of Washington."

I have the honor to remain, very respectfully, your obedient servant,
 THOMAS H. NELSON

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

A.

[From the *Patria* of May 7, 1864.—Translation.]

CIRCULAR TO THE GOVERNMENTS OF AMERICA

MINISTRY OF FOREIGN RELATIONS OF CHILI,
Santiago, May 4, 1864

MR. MINISTER: The occupation of the Chincha islands by the naval forces of Spain, in the Pacific, has caused in the mind of the government of Chili the most profound and painful impression, and has awakened throughout the whole republic lively alarms, which will make themselves equally felt from one extremity to the other of the American continent.

The commissioner of her Catholic Majesty and the commander-in-chief of her naval forces in the Pacific, under whose immediate responsibility this act appears to have been perpetrated, have not been unaware of its gravity, and have endeavored to justify it, setting forth in the declaration issued from the anchorage of the Chincha islands the reasons which have decided them to take this resolution.

If this measure be considered as an act of reprisal, undertaken for the purpose of obtaining reparation for any injury or offence offered to Spain by Peru, it is necessary to inquire whether the moment had arrived to appeal to an almost extreme resource, when the pacific measures employed among nations to avoid the calamities of war had not yet been exhausted.

The right assumed by sovereign nations to do themselves justice has well-defined proceedings, which the constant practice of nations has erected into tutelar principles of peace and harmony, whereon repose the mutual well-being of societies. To depart from them without a justifying motive would be an offence affecting not only the interests of the people towards whom it was offered, but also involving a deviation from those common and obligatory laws, in whose faithful observance all the members of the great family of sovereign and independent nations should interest themselves.

The declaration issued by the commissioner of her Catholic Majesty and the commander-in-chief of her Pacific squadron, besides being open to just censure under the point of view indicated, involves the sanction of principles which place in doubt the independence of Peru, provoking a conflict for all America. The government of Chili, therefore, cannot otherwise than reprobate, as it does, in the most explicit manner, such doctrines, and protest against them, notwithstanding that it is confident that they will not receive the sanction of the government of her Catholic Majesty.

The independence of Peru and her existence as a free and sovereign nation is a fixed fact, and it would be necessary to efface the history of half a century to even place it in doubt, converting into a simple truce that which has been and is a peace of indefinite duration, universally accepted and recognised, in

fact, by Spain herself in a long series of public and official acts. The government of her Catholic Majesty for many years has not ceased to call republic that which was formerly her colony; it repeats the same in the credential of the commissioner which it has sent to Lima; it has admitted her consuls, and consented that her ships frequent the ports of the Peninsula; a reciprocal and uninterrupted commerce has been maintained between the two countries, and finally Peruvians have been considered as foreigners on the Peninsula, precisely as the Spaniards have been considered in Peru. As a sovereign state Peru has entered into treaties of peace, friendship, and commerce with nations of both continents; and in presence of these facts, known to the government of her Catholic Majesty, can the absence of a solemn recognition have any importance in the eyes of truth and international law so as to found thereon a state of truce? Every truce supposes a state of incommunication, and it may be even said that this characterizes it. Nor is a close made to an armistice of long and indefinite duration without previous notice of the intention to renew hostilities, an essential formality, as we are taught by the constant practice of ancient and modern nations.

In the opinion of the commissioner of her Catholic Majesty and of the commander-in-chief of her squadron in the Pacific, the crown of Castile is disposed to revindicate the proprietorship of the Chincha islands, and appears to derive this right as a legitimate corollary of the supposed state of truce. A nation constituted for forty years, exercising with independence rights belonging to sovereignty within the entire precinct of its territory, is not, nor can it be, subject to the right of revindication. The seizing of the Chincha islands by the Spanish squadron in such case becomes a material act, consummated by force, and, wanting in the proper characteristics of a legitimate act, the right of vindication would become a true right of conquest.

The armies of Chili fought together with those of Peru in the war of independence; the two republics were one in a common cause, as were also all the American sections. Were hostilities again to break out, there having been nothing but a truce *de hecho*, (*de facto*,) what is the situation in which the ancient belligerents and their allies would find themselves forcibly placed throughout the entire continent?

The government of Chili, in presence of so grave an event, considers it its undeniable duty to deny in the most public and solemn manner the principles which serve as a base to the declaration, protests against the occupation of the Chincha islands by the naval forces of her Catholic Majesty, and does not recognize, and will not recognize, as the legitimate owner of the said islands, any other power than the republic of Peru.

I feel convinced, nevertheless, that the government of her Catholic Majesty will not approve the principles proclaimed in that declaration, since, if the principle of revindication be sanctioned, that of reconquest would be approved by implication, and the American republics would find themselves obliged to unite their forces in order to maintain the integrity of the territory of a sister and independent republic. It would be painful that the rapid and inevitable development of events should cause complications to arise, either retarding the settlement of an international question, to which the government of Peru manifests itself disposed to lend due attention, so as to arrange in a stable and permanent manner its differences with Spain, or preparing new difficulties which considerations of a supreme order would counsel the American governments to avoid opportunely.

The manifestation which I have just made, in compliance with the orders which I have received from the President of the republic, will be deemed, I trust, by the government of your excellency as the faithful expression of sentiments common to all America. The government of —, abounding in the same sentiments, will be pleased doubtless to know the views of that of Chili,

and her disposition to act in accord and prevent a conflict which might disturb the peace of this continent, interrupting the friendly relations which happily she has cultivated, and earnestly desires to cultivate, with the Spanish nation.

I have the honor to offer to your excellency the testimony of my highest consideration with which I subscribe myself your excellency's most obedient servant,

MANUEL A. TOCORNAL.

The Most Excellent MINISTER OF FOREIGN RELATIONS OF ———.

B.

Mr. Covarrubias to Mr. Nelson.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS, REPUBLIC OF CHILI,
Santiago, May 11, 1864.

SIR: The honorable Señor Don Manuel A. Tocornal has placed in the hands of the President of the republic his resignation from the charge of minister of foreign relations, and his excellency having deigned to accept the same, has been pleased to honor me with his high confidence, calling me to occupy the post left vacant by that distinguished citizen.

In beginning my official relations with your excellency, I am flattered with the hope that they may be ever animated by the same spirit of cordiality and good understanding which presided over those which existed between your excellency and my illustrious predecessor.

I have the honor to offer to your excellency the assurance of my most perfect consideration with which I subscribe myself your excellency's most obedient servant,

ALVARO COVARRUBIAS.

The ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
of the United States of North America.

C.

Mr. Nelson to Señor Don A. Covarrubias.

LEGATION OF THE UNITED STATES,
Santiago de Chili, May 11, 1864.

SIR: I have the honor to acknowledge the receipt of a note from your excellency, dated this day, informing me that his excellency the President of the republic, having accepted the resignation of the honorable Señor Don Manuel A. Tocornal as minister of foreign relations, has been pleased to appoint your excellency to that high and honorable position.

Allow me to respond cordially to the hopes expressed by your excellency, and to manifest the earnest desire that our official relations may be such as may tend to strengthen the friendly relations happily subsisting between the United States and the republic of Chili.

In tendering to your excellency my earnest congratulations upon your elevation to a position so responsible, I have the honor to offer to your excellency the assurances of most distinguished consideration with which I am your excellency's most obedient servant,

THOMAS H. NELSON.

Señor Don ALVARO COVARRUBIAS,
Minister of Foreign Relations of the Republic of Chili.

Mr. Seward to Mr. Nelson.

No. 65.]

DEPARTMENT OF STATE,

Washington, June 15, 1864.

SIR: I thank you for the information you have given me in your No. 127 concerning what has occurred in Chili in relation to the seizure of the Chincha islands by the admiral of the Spanish fleet in Peruvian waters.

Very full accounts of that controversy have been received here from Mr. Robinson, our representative at Lima. At an early day Mr. Koerner, our minister at Madrid, was instructed to use his good offices to arrest a serious conflict, and effect a reconciliation between Spain and Peru. Thus far we have no advices from Mr. Koerner upon the subject, but we are now daily expecting his reply. Some incidents have occurred at Madrid which enable us to hope that Spain will not proceed further in the direction of hostilities. On the other hand we learn from Peru that the admiral and the late commissioner of Spain have disavowed any design or purpose to assail the sovereignty of Peru, and have defined the seizure of the Chincha islands as an act of mere reprisal, and the commissioner at the same time announced that he had resigned his special trust. Your own proceedings in regard to the matter are fully approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS H. NELSON, Esq., &c., &c., &c.

Mr. Nelson to Mr. Seward.

No. 140.]

LEGATION OF THE UNITED STATES,

Santiago de Chili, July 11, 1864.

SIR: The 88th anniversary of our independence was celebrated in this city by all ranks and classes of the people and by all political parties with a cordiality and unanimity almost, if not entirely, unprecedented. The whole population seemed to join in the demonstration, and with a patriotic enthusiasm rarely surpassed in similar celebrations in our own country, and certainly unparalleled elsewhere.

At daylight on the 4th instant the bands of the different military organizations played "Hail Columbia" in front of their barracks instead of the customary reveillé, and at sunrise and at noon salutes were fired by an American citizen who had obtained permission from the government for the purpose.

At 7 o'clock the band of the artillery regiment appeared beneath the windows of the legation and played our national airs. At noon, by order of the President, every military band in the city, numbering over 200 performers, assembled in front of my residence, and in unison played "Hail Columbia," the "Star Spangled Banner," and the national hymn of Chili, while an aide-de-camp of his excellency called to tender the congratulations of the President.

At the same hour, in obedience to a public call, a large mass meeting was held upon the "Alameda," or public walk, at the foot of the statue of General San Martin, where enthusiastic and patriotic addresses appropriate to the day were delivered by the members of the Society of the American Union and others; after which, forming a procession, the members of the Union bearing the flags of all the American republics, with that of the United States at the head, marched to the legation.

Upon their arrival repeated and enthusiastic cheers burst from the multitude for the United States, for American independence, for President Lincoln, &c., &c., &c. Accepting these manifestations as evidencing the cordial good will

existing between the republics of Chili and our own, I briefly addressed the multitude, thanking the government and people of Chili for this hearty expression of sympathy and respect, and invited the Society of the American Union, as representatives of their fellow-citizens, to enter my house, where, during an hour or more, a pleasant interchange of courtesies took place. I have the honor to enclose herein a copy of my remarks. (Enclosure A.)

During the day the minister of foreign affairs, the secretary of the treasury, the President, and secretary of the house, Admiral Blanco, and a large number of officers of the government, members of Congress, officers of the army and navy, municipality, &c., and private citizens, called to pay their respects. The republican members of the diplomatic corps also called, while those of Europe sent their cards, and all hoisted their flags in honor of the day.

In the evening the orchestra of the municipal theatre gave a beautiful serenade at the legation, playing our own national airs and those of Chili and Peru. These spontaneous manifestations by this government and people are, I believe, unexampled.

The recent aggressive attitude of various European nations towards the South American republics has awakened in the latter an interest, and compelled a study of our own affairs, which have tended to convince them that their only safety lies in the success of the Union arms and the reassertion of our integrity and power as a nation. It is a source of profound congratulation that the eminently wise and prudent course of the government of the United States in its foreign relations is fully understood and appreciated by the statesmen, the press, and the people of Chili.

I have the honor to remain, very respectfully, your obedient servant,
 THOMAS H. NELSON.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States.

[Enclosure A.]

Remarks of Hon. Thomas H. Nelson, United States Minister Plenipotentiary at the Legation of the United States in Santiago de Chili, on the 4th of July, 1864.

GENTLEMEN: As the representative of the government and people of the United States, and as an American citizen, I am deeply grateful for this spontaneous and unparalleled demonstration. I thank his excellency the President of the republic for directing all the military bands of the city to come to this legation to play the patriotic airs of both North and South America, and also the leaders and members of those bands for the tasteful manner in which they performed that duty.

Words cannot express the pleasing emotions excited in the hearts of my countrymen and in my own by the thrilling music of our national hymns, "Hail Columbia" and the "Star Spangled Banner," admirably played by more than two hundred instruments. We felt that we were no longer strangers in a distant land, but among friends and brothers, whose patriotic impulses, hopes, and aspirations were in unison with our own.

I am deeply grateful for the spirit and enthusiasm I see here manifested by so many thousands of your patriotic people, and for the hearty *vivas* with which you greet the names of "Washington" and "Lincoln." It tells me in a voice not to be misunderstood—that the great heart of Chili is for the Union and the success of the federal cause. I appreciate the significance of this ovation and its moral effect, both here and elsewhere. It will be most gratefully appreciated by the government and people of the United States, and, above all, it will cheer and encourage the patriotic soldiers who are perilling their lives upon the battle-field for the sacred cause of freedom. It will cheer them to know, that even in the darkest hour of the rebellion, when the life of the nation seemed to be suspended by a thread, the government and people of Chili never for one moment faltered in their devotion to the cause of the Union. Your heartfelt prayers and aspirations have ever been for the triumph of the federal arms, and the restoration of our glorious Union.

And now again, in this most unequivocal manner, you have come to this legation on this the jubilee of American independence, to tender me your congratulations and sympathies, and to renew your devotion to those great principles of liberty which form the basis of all free

governments—principles which, on this day eighty-eight years ago, in the city of Philadelphia, were first promulgated to the world. The causes which inspired the declaration of American independence are stated in the language of its great author, Thomas Jefferson. He and his compatriots declared as self-evident truths, that “all men are created equal and endowed by their Creator with certain inalienable rights; and that among these are life, liberty, and the pursuit of happiness; that for the security of these rights government was instituted, and that when it violates its trust, the governed might abolish it.” Repeating the long list of grievances they had borne, and appealing to the Supreme Judge of the world for the rectitude of their intentions, in the name and by the authority of the people, the only fountain of legitimate power, they shook off forever their allegiance to the British crown and proclaimed the United Colonies a *free and independent nation*.

That declaration of independence forms a new era in the history of mankind. It questioned the divine right of kings, shook every throne in Europe to its base, and taught them that there was a power behind the throne greater than the throne itself—that *the voice of the people is the voice of God*.

That sacred declaration received the baptism of blood. Inspired by its principles, and led by the immortal Washington, the patriot army marched forth boldly, and, by the blessing of God, triumphantly.

Our success inaugurated that era of revolutions which resulted in the emancipation of almost the entire western continent from European domination. Emulating our example, the Central and South American republics sprung into existence, and their elder sister, the United States of America, ushered them into the family of nations.

The origin and principles of government of these republics being substantially the same, and all founded upon our system, it is obvious that they must share the same fate, and that they and the system must stand or fall together. If we, who have tried the experiment of a free government and popular institutions, under the most favorable circumstances, fail in the attempt, I shall tremble for the system throughout the world.

I wonder not, therefore, at the deep anxiety you manifest for the success of our cause, because it involves the soundness or fallacy of the principles enunciated in our declaration of independence. It involves the great problem of human society, *whether mankind can be trusted with a purely popular government*—a problem in the solution of which you are as much interested as the people of the United States.

But, gentlemen of the *Union Americana*, you comprehend the magnitude of the contest now progressing in my country, and the mighty issues at stake. You understand that the labors, sacrifices, and blood of the patriot heroes of the Union army have not been expended merely to crush a gigantic rebellion and restore a discordant Union—not merely to destroy the curse of human slavery, the cause of all our troubles, but that we are also struggling for that system of government whose origin we this day commemorate and on which rest the hopes of the good and wise of every land. The fate of the great principles which lie at the foundation of all free republican governments is at stake—man's capacity for self-government. The victorious cannon of Grant will soon solve these questions, finally and forever!

God be praised for the glorious victories in Virginia and Georgia, and the prospect of an early close of the contest!

The fourth of July, 1863, was rendered memorable by the great victories of Gettysburg and Vicksburg. May we not indulge the hope that additional lustre will be thrown upon this glorious day by the capture of Richmond and Atlanta?

When the last mail left New York, millions of exultant voices were rejoicing over the success of the federal arms, and the certain triumph of the great cause! Millions of the sons of liberty throughout the world will soon echo the jubilant shout of Miriam the prophetess: “Jehovah has conquered; His people are free.”

Soon will the glorious American Union be redeemed and regenerated! Human slavery is doomed! A wall of living freemen will exclude this fruitful element of strife, as the cherubim of God kept sin out of Eden. Soon will European monarchs cease to interest themselves in American affairs, and learn that two antagonistical systems cannot permanently exist on this continent. *America will be ruled by Americans*, and by its own chosen system of government.

To maintain and enforce these principles, the soldier of Chili and the soldier of the United States may yet march side by side to the battle-field.

The republics of America will be united in strong and indissoluble bonds of friendship, sympathy, and interest, and upon all great international questions they will see and think alike, and act as one people.

Again I return my thanks for this splendid demonstration, and especially to the patriotic and enthusiastic members of the *Union Americana*, whose generous and liberal sentiments, I trust, will soon be practically illustrated.

Mr. Seward to Mr. Nelson.

No. 73.]

DEPARTMENT OF STATE,

Washington, August 18, 1864.

SIR: I have to acknowledge the receipt of your despatch No. 140, of the 11th ultimo, with your address to the society known as the "Union Americana," in Chili, delivered on the occasion of their visit to the legation of the United States on the 4th of July, 1864.

The report which you transmit of the celebration by the government of Chili and the residents of the city of Santiago of the 88th anniversary of the independence of the United States of America is both gratifying and satisfactory; such a manifestation tending, as it does, to strengthen the bonds of friendship and good will which animate the government and people of Chili towards our government and people, and which, I am sure, are fully shared and cordially reciprocated on their part.

You are therefore instructed to express this satisfaction to the President of Chili in a communication to the minister for foreign affairs of that republic, covering the subject referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS H. NELSON, Esq., &c., &c., &c., *Chili.*

Mr. Nelson to Mr. Seward.

No. 152.]

LEGATION OF THE UNITED STATES,

Santiago de Chili, October 16, 1864.

SIR: On the 7th instant, in obedience to your instruction of the 18th of August, No. 73, I had the honor to address a note to the secretary of foreign relations of the republic of Chili, manifesting the gratification with which my government and the people of the United States had learned the evidences of good will and friendship exhibited by the government and people of Chili, upon the occasion of the late anniversary of the independence of the United States.

I further stated that I had been instructed to express to the government and people of Chili, and to the society of the "Union Americana," the profound satisfaction experienced by the government and people I have the honor to represent at these renewed proofs of friendship and sympathy, and my trust that such sentiments may ever exist between the two nations.

On the 10th instant his excellency replied, in a very cordial note, reiterating similar expressions of earnest good will, and informing me that he had been instructed by the President to express to me the sincere satisfaction with which he had welcomed this new evidence of reciprocal good understanding between the governments and the people of the United States and Chili.

I have the honor to transmit herewith, marked respectively A, B, and C, copies of the correspondence above mentioned, together with a printed copy of the same in Spanish from the official organ the "Americano."

Under date of the 7th instant I also addressed a note to Mr. Covarrubias, (D,) acknowledging the receipt of a communication from him, dated September 29, and transmitting me a copy of the decree of the President of the 27th ultimo, declaring coal to be contraband of war. Copies and translations of these two latter documents accompanied my despatch No. 149, of September 30.

In consequence of certain publications copied into a portion of the press of

Chili, from foreign and prejudiced sources, and reflecting unfairly upon the foreign policy of the government of the United States, I took occasion, in an interview which I had with Mr. Covarrubias on the 8th instant, to explain to him the true position of my government towards foreign powers.

Mr. Covarrubias replied as follows:

"In the present position of the government of the United States, it must be evident to the mind of any statesman of calm reasoning that the position it has assumed in regard to its foreign relations could be none other, in justice to the high and important interests involved in the mighty struggle now in progress. Much as it might desire to intervene in other American affairs, its hands are tied by domestic obligations which it cannot ignore. In my opinion the present policy of the government of the United States is temporary, not fixed and permanent, but born of the very exigencies of the situation, and a natural consequence of the very difficult position of its domestic affairs.

"The earnest sympathies of Chili are for the cause of the Union, the cause of justice, right, and humanity, and under no circumstances could those sympathies be enlisted in behalf of the cause of the south."

This expression of sentiments, on the part of the secretary of foreign relations, was most gratifying to me, and I assured his excellency would be no less so to my government, to which I should take pleasure in communicating it.

I have the honor to remain your obedient servant,

THOMAS H. NELSON.

HON. WILLIAM H. SEWARD,

Secretary of State of the United States.

LEGATION OF THE UNITED STATES,

Santiago de Chili, October 7, 1864.

SIR: The evidences of good will and friendship exhibited by the government and people of Chili on the occasion of the celebration of the eighty-eighth anniversary of the independence of the United States, on the 4th of July last, were of a character so marked and gratifying that I addressed a special communication to my government descriptive of that patriotic and enthusiastic demonstration.

The government and people of the United States received this intelligence with the utmost satisfaction, and I take great pleasure in complying with the instructions of the honorable Secretary of State of the United States, by manifesting to the government of your excellency, to the members of the "*Union Americana*," and to the people of Chili who participated in that patriotic celebration, the sincere gratification with which the government and people whom I represent have received these renewed proofs of friendship and sympathy, tending, as they do, to strengthen the sentiments of friendship which animate the intercourse between the two republics, and which are shared in and cordially reciprocated by my government as well as by the people of the United States.

I trust that such sentiments may ever continue to exist between Chili and the United States, and that all the republics of this continent may be indissolubly bound together by similar ties of friendship and sympathy.

Availing myself of this occasion, I beg to renew to your excellency the assurances of the high consideration and respect with which I have the honor to remain

Your excellency's obedient servant,

THOMAS H. NELSON.

His Excellency the SECRETARY OF FOREIGN RELATIONS

Of the Republic of Chili.

[Translation.]

SANTIAGO, *October 10, 1864.*

SIR: By the official note which your excellency did me the honor to address me on the 7th instant, I have been made aware of the satisfaction with which your government and the people of the United States have received the manifestations of friendship and sympathy of which they were the object in Chili, upon the occasion of the late anniversary of the independence of that republic, and of the friendly sentiments with which they cordially correspond to those which animate this country.

His excellency the President of the republic, to whom I gave account of the instructions in the premises which your excellency informs me you have received from the most excellent Secretary of State of the United States, has felt highly flattered thereby, and has charged me to signify to your excellency the sincere satisfaction with which he has welcomed this new evidence of the good friendship and reciprocity between the government and the people of the United States and the people and government of Chili.

My government heartily joins in the grateful confidence expressed to me by your excellency, that such sentiments may ever exist between the United States and this republic, and that all those of America may be indissolubly united by these same bonds of friendship and sympathy.

I have the honor to reiterate to your excellency the expression of my most distinguished consideration and esteem, with which I am your excellency's most obedient servant,

ALVARO COVARRUBIAS.

The ENVOY EXTRAORDINARY AND MINISTER Plenipotentiary

of the United States.

[Translation.]

[L. S.]

SANTIAGO, *September 29, 1864.*

SIR: I have the honor to transmit to your excellency a copy of the declaration issued by his excellency the President of the republic in regard to coal destined for the vessels-of-war of a nation engaged in hostile operations.

Will your excellency be pleased to accept the reiterated expressions of the distinguished consideration with which I am your excellency's most obedient servant,

ALVARO COVARRUBIAS.

The ENVOY EXTRAORDINARY AND MINISTER Plenipotentiary

of the United States of America.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Santiago de Chili.

THE PRESIDENT OF THE REPUBLIC OF CHILI.

To all to whom these presents may come, greeting: Considering, 1st, that, according to the principles and rules generally adopted by civilized nations, all coal intended for the public vessels of one nation engaged in hostile operations against another must be considered, and, in fact, has been considered, as an article contraband of war;

2d. That, in view of the late acts and declarations, respectively made by the governments of Peru and of Spain, of the law recently proclaimed in that republic, and of the re-enforcements which the cabinet of Madrid is sending to the squadron occupying the Chincha islands, it is impossible not to consider the two countries mentioned, if not in a state of declared war, at least in hostilities *de facto*;

And 3d. That it is the duty of loyal neutrality to prevent the furnishing of contraband of war, by the taking away from the coasts of Chili coal destined for the vessels of either of the belligerents—

I have set forth the following declaration :

1st. Coal destined for the supplying of the public vessels of a state employed in hostile operations against another state is an article contraband of war.

2d. It is not lawful to take away from the coasts of Chili any quantity of coal whatever destined for the purpose above mentioned.

3. Those authorities of the republic whom it may concern will adopt the necessary measures to prevent the infraction or eluding of the present declaration.

Given in the hall of my office, in Santiago, the 27th of September, in the year of our Lord, 1864.

JOSE JOAQUIN PEREZ,
The President of the Republic of Chili.

ALVARO COVARRUBIAS.

A true copy :

DOMINGO ARTEAGA ALEMPARTE,
Acting Chief Clerk.

Mr. Seward to Mr. Nelson.

No. 82.]

DEPARTMENT OF STATE,
Washington, November 22, 1864.

SIR : I have to acknowledge the receipt of your despatches Nos. 152, 153, and 154, all under date of the 16th of October last.

Your correspondence with Mr. Covarrubias, transmitted with your No. 152, returning thanks for the courtesies extended to you on the 4th of July last, is deemed satisfactory and is approved.

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I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS H. NELSON, Esq., &c., &c., &c., *Chili.*

PRUSSIA.

Mr. Seward to Mr. Kreismann.

No. 6.]

DEPARTMENT OF STATE,

Washington, September 21, 1863.

SIR: Your despatch of August 29, No. 13, has been received. Your proceedings in relation to the claim of Gustavus Vicer Hock are approved. Your remarks concerning the questions which are now engaging attention in the political circles of Europe are appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

H. KREISMANN, Esq., &c., &c., &c., *Berlin.**Mr. Seward to Mr. Judd.*

No. 66.]

DEPARTMENT OF STATE,

Washington, March 9, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 11th of February, No. 56, and I give you my sincere thanks for the exposition of the political and military movements of the allies in the war against Denmark. Information from London of a date somewhat later than yours induces a belief that some settlement of the controversy is at hand. Nevertheless, this information comes through channels that are not altogether reliable. The British people desire a settlement so earnestly that their opinions and even their facts take a coloring from their wishes.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin.**Mr. Seward to Mr. Judd.*

No. 67.]

DEPARTMENT OF STATE,

Washington, March 12, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of February 18, No. 57. Your account of the attitudes, purposes, and expectations of German states and parties in the war between Germany and Denmark is marked with great clearness and discrimination. Comment here upon the questions involved in that controversy would be worthless, for they present new phases on the arrival of every mail.

Nothing particularly important has recently occurred in our domestic affairs. The renewal of our military forces goes on successfully, and there are indications of activity along the lines. It is not doubtful that there is a decline of the insurrectionary spirit in the southern people. Discontents prevail, and desertions are very numerous. On the other hand, faction finds daily diminishing encouragement in the loyal States of the Union

I am, sir, your obedient servant

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin,*

Mr. Seward to Mr. Judd.

No. 69.]

DEPARTMENT OF STATE,
Washington, March 19, 1864.

SIR: Your despatch No. 55, of the 2d ultimo, has been received. The review it presents of Prussian politics, and your speculations upon the Schleswig-Holstein question, are very interesting and instructive.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin.*

Mr. Seward to Mr. Judd.

No. 70.]

DEPARTMENT OF STATE,
Washington, March 21, 1864.

SIR: Your despatch No. 58, of the 27th ultimo, has been received. The progress of the important question at issue between Germany and Denmark to which your communication wholly relates is watched with much interest in this country, and your intelligent observations upon it are of much assistance in enabling us to comprehend the state of the country in its true light.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin.*

Mr. Seward to Mr. Judd.

No. 71.]

DEPARTMENT OF STATE,
Washington, April 5, 1864.

SIR: Your despatch No. 59, of the 12th ultimo, has been received, and I thank you for the very interesting information which it contains on the subject of the war between Germany and Denmark.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin.*

Mr. Seward to Mr. Judd.

No. 72.]

DEPARTMENT OF STATE,
Washington, May 9, 1864.

SIR: I have to thank you for your despatch of April 16, No. 62, which contains a very interesting exposition of the political situation of western Europe. Since it arrived I have received news of the fall of Duppel, which, doubtless, lends a new complexion to the war between Denmark and Germany.

I am advised that Mr. Corwin, availing himself of a leave of absence granted in August last, expected to take his departure from Vera Cruz on the 3d instant. The late accounts from Mexico show that the French forces have en-

countered several reverses ; but the statements are not very minute, and everything that comes from that quarter, in the interest of either belligerent, is believed to be much exaggerated. Nothing that has occurred there or in Europe has been thought to furnish sufficient ground for a change of the attitude which the United States has hitherto held in regard to Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin*.

Mr. Seward to Mr. Judd.

No. 75.]

DEPARTMENT OF STATE,

Washington, June 17, 1864.

SIR : I have the honor to acknowledge the receipt of your despatch of May 28, No. 66, and I thank you for the interesting information it contains.

The Baron von Gerolt shortly goes on a leave of absence to Berlin. He has been long in the service, and holds a distinguished rank in the diplomatic society of this capital. During all the vicissitudes of our affairs, while he has faithfully advocated and defended the interests of his country, he has at the same time been a firm, frank, and hopeful friend of this government and country. It will be especially agreeable to me if you shall be able to impress upon the government of Prussia a conviction that the Baron is held in the highest esteem and respect, not only by the President, but by the people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

NORMAN B. JUDD, Esq., &c., &c., &c., *Berlin*.

Mr. Seward to Mr. Kreismann.

No. 11.]

DEPARTMENT OF STATE,

Washington, July 28, 1864.

SIR : Your despatch of July 13, No. 21, in which you announce your assumption of the conduct of the legation at Berlin, has been received. The ability and diligence you have exercised when occupying the same position, inspire a confident expectation that the public interest will be safe in your hands.

It is gratifying to know that the Yeddo has safely reached a position not unfriendly to the United States. You will render to this government a valuable service by informing us when you can obtain authentic information of similar transfers of vessels built or bought for the insurgents.

Now, when General Sherman has Atlanta under his guns, when General Grant commands the avenues to the so-called insurgent capital, and when the nation's credit is reviving under the fiscal conduct of Mr. Fessenden, it excites a smile to read in your despatch that the latest telegraphic advices you have, concerning affairs at home, were that our army was harmless at Petersburg ; that Sherman, with a starving army, had been repulsed on his march into Georgia ; and that the resignation of Mr. Chase had unfavorably affected American securities.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HERMANN KREISMANN, Esq., &c., &c., &c., *Berlin*.

Mr. Seward to Mr. Kreismann.

No. 13.]

DEPARTMENT OF STATE,
Washington, August 12, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of July 22, No. 22. The intention in regard to Baron von Gerolt, which you have expressed therein, is approved.

I thank you for the exposition of Russian and Austrian policy, relative to the provinces lately disputed with Denmark, with which you have favored me.

It is gratifying to learn that the late demonstration of the insurgents near this capital was regarded in Europe in its true light. This fact has some tendency to show that the public mind in foreign countries is coming back to its normal condition in regard to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HERMANN KREISMANN, Esq., &c., &c., &c., *Berlin.**Mr. Seward to Mr. Kreismann.*

No. 14.]

DEPARTMENT OF STATE,
Washington, August 20, 1864.

SIR: Your despatch of July 30, No. 23, has been received, and it has been read with much interest.

The government seeks to cultivate good relations with all nations, and it desires equally to avoid giving offence and finding offence. So long, therefore, as the government of Prussia respects our rights and manifests a friendly disposition, you will not be expected to question it upon the language of the press, however it may be supposed to speak for or in the name of a minister.

Copies of the act to promote emigration will be sent you as you have requested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HERMANN KRIESMANN, Esq., &c., &c., &c., *Berlin.**Mr. Seward to Mr. Kreismann.*

No. 18.]

DEPARTMENT OF STATE,
Washington, September 20, 1864.

SIR: I think it important that you ascertain, as well as you can, what vessels built in France or elsewhere for the rebels of the United States are purchased by the government of Prussia, and keep Mr. Dayton and Mr. Adams well advised on the subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HERMANN KREISMANN, Esq., &c., &c., &c., *Berlin.**Mr. F. W. Seward to Mr. Kreismann.*

No. 19.]

DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: Your despatch of September 7, No. 29, has been received. I shall receive with much pleasure your promised paper on the commerce and revenue of Prussia.

Recent military and political events have probably wrought a change in opinion in Berlin concerning the prospects of the United States since your despatch was written. No class of men pronounce themselves upon political questions more confidently than courtiers and placemen, and yet no class of men so habitually judge more erroneously. They study the signs, not the causes, of social movements.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

HERMANN KREISMANN, &c., &c., &c., *Berlin.*

Mr. Kreismann to Mr. Seward.

No. 17.]

UNITED STATES LEGATION,
Berlin, December 2, 1863.

SIR: When I last wrote about affairs in Germany and Prussia, I alluded to the increasing danger of a European war arising from the Schleswig-Holstein controversy. The sudden and unexpected death of the late King of Denmark, and the accession to the throne of Christian IX, as King of Denmark and Duke of Schleswig-Holstein and Lauenburg, under the terms of the so-called "London protocol," has brought on a crisis. Most of the Germans still refuse to recognize the succession of King Christian in the duchies, and declare for Prince Frederick of Augustenburg, who has issued a proclamation, pronouncing himself the legitimate and rightful Duke of Schleswig-Holstein. All Germany is aglow with patriotic excitement and enthusiasm; and men and means are freely offered by the people "for the rights and deliverance from foreign oppression of their German brethren" in these duchies. The German Diet has refused admittance to a representative of King Christian, and although it has not yet received the representative of the Duke Frederick, the middle and smaller states of Germany are ready for that step too. Prussia and Austria, although the representatives of the people in both countries strongly declare for action, are still holding back, declaring themselves bound by the London treaty of 1852, but they will be unable to prevent the passage of a resolution by the other members of the Diet, declaring for an immediate occupation of Holstein by federal troops, no longer in the sense of a federal execution, for that would involve a recognition of King Christian as Duke of Holstein, but for the purpose of possessing themselves of a German land, until it can be delivered to its rightful sovereign. The large Danish force at present stationed at Holstein will then have to evacuate it, or a collision must inevitably ensue; and hostilities once having commenced, a war by no means limited to Germany and Denmark will be the result.

England, in presence of these developments, has assumed a most threatening attitude towards Germany, while Napoleon, annoyed by the refusal of England to participate in his Paris congress, has not definitely indicated what position he will occupy in the matter. These complications make assurances doubly sure regarding the impossibility of foreign intervention in our own affairs.

The conflict between the House of Deputies and the King and his ministers continues the same as ever. As long as his Majesty retains the Bismarck cabinet it will not end, even if the dissolution of the Chamber is again and again resorted to.

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I am, sir, your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

No. 18.]

UNITED STATES LEGATION,
Berlin, December 16, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch No. 8, dated November 30, 1863. It makes mention only of my communication to you numbered 16, and dated November 10. Can it be that two others preceding it, numbered 14 and 15, and dated October 24 and 31, 1863, respectively, have failed to reach you?

The Schleswig-Holstein question has assumed a less warlike aspect. The efforts of Austria and Prussia have compelled the federal diet to simply decree an execution against the King of Denmark, instead of an occupation and sequestration of Holstein. This, of course, involves a recognition in fact of the King of Denmark as Duke of Holstein, and the maintenance of the London protocol. England and Russia, the two powers most interested in the preservation of that treaty, have come to an understanding with Austria and Prussia to the effect that they shall compel the Danish ministry to abrogate the constitution incorporating Schleswig, lately adopted, and which is to go into operation on the first of January next; and also to institute the reforms in Holstein and Lauenburg which were promised but never carried out by Denmark. If this is done—and it seems most unlikely that Denmark will refuse to comply with the demands of England and Russia—Austria and Prussia, on their part, are to see to it that the other German states shall relinquish their efforts in behalf of Prince Frederick of Augustenburg, who claims the succession in the duchies. Denmark, it appears now, will continue to exist as heretofore, and Germany once more be disappointed in its hope and aspirations for national unity and power. It is true, German troops are on their way to enter Holstein; and, although it is reported, on good authority, that on their arrival the Danish troops will withdraw, this may yet give a turn to affairs not apprehended by the cabinets at the present hour.

The government of Prussia has applied to the Chambers for twelve million thalers, to be raised by a loan, to defray the expenses for arming and equipping the Prussian contingent, and for fortifying the coast. But, as the position taken by the government is so entirely unsatisfactory to the people, the Chamber of Deputies will not vote the loan. An address to his Majesty is again to be resorted to, praying him to recede from the London protocol, to change the present system, and, in that event, pledging him all the resources of the country. It is, however, plain that this step will prove futile, resulting in the closing of the Chamber rather than in the dismissal of the ministry.

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I have the honor to be your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

[Extracts.]

No. 19.]

UNITED STATES LEGATION,
Berlin, December 26, 1863.

SIR: Accounts of the meeting and organization of Congress, and also the President's message, have been received through the English papers, no American papers having as yet arrived here later than of the 8th instant. The

comments of the German press on the message are in a high degree favorable. The striking contrast between President Lincoln's exhibition of the state of our national affairs with that of the rebel pretender Davis, which has likewise been published, has not failed to impress the public mind in Germany, and the conviction that the rebellion will come to a speedy end is again fully established.

The paragraph of the President's message on the subject of European emigration, in connexion with the free homestead law, is receiving particular attention on the part of the German press; and it is conceded that emigration from Germany would be very considerably increased if our Congress could devise some mode by which persons desiring to emigrate might be provided a free passage to our shores. While many thousands of young and robust men, whose services would prove exceedingly valuable to our land, possess means sufficient to subsist them for a brief period after their arrival in America, they are unable to defray the expense of the passage, and are thus compelled to remain here. Had this legation possessed the necessary means and authority, it could have sent at least a thousand able-bodied and intelligent men during the present year. A free passage for emigrants to America should, therefore, be the chief object of any measures which Congress, in response to the President's recommendation, may deem proper to adopt.

The President's firm declaration to stand by and uphold his proclamation of freedom is likewise receiving the just admiration and approval of enlightened Germany. It is now well understood that the people of America, of whatever party, are come to the conclusion that the Union shall be maintained, and that slavery shall have an end. * * * *

Since my last report of the Schleswig-Holstein question the Danish troops have evacuated the latter duchy, and federal troops have entered. The government of Holstein and Lauenburg has also been assumed by the two federal commissioners accompanying the troops. On the part of the people, this has been followed everywhere by great demonstrations of rejoicing. All towns of importance are proclaiming the Prince of Augustenburg their rightful sovereign. The same step has been taken by nearly all the members of the Holstein assembly, lately called together for consultation. In the federal diet, too, a new movement has sprung up in his favor. Bavaria, Saxony, and Wurtemberg are believed to be united and ready for his recognition; and if this be really so, Austria and Prussia may not be able after all to prevent it. Popular enthusiasm and excitement in Germany is running higher and higher, and it will be no easy task to repress it. Meanwhile an event of great moment has transpired in Denmark, the news of which has just been received here. The ministry Hall has given in its resignation. The King has accepted it. The Reichsrath, just dissolved, is to be reconvened immediately, and the constitution adopted in November to be rescinded. The King himself will leave Copenhagen for the army in Schleswig. These measures would undoubtedly aid the chances of a peaceable solution of the whole question. It is evident that King Christian is anxious for such a result. A revolution, however, in Copenhagen, on the part of the ultra-Danish party, hitherto in power, and the proclamation of Prince Oscar, of Sweden, as King of Scandinavia, is by no means an event unlikely to happen. A few days will now suffice to determine the final result of the controversy.

The Chambers here have adjourned over the Christmas holidays, and will not meet again until the 4th of January next. The Chamber of Deputies has voted the address which I reported to be in contemplation, but his Majesty has refused to receive the deputation charged with its delivery to him. So the document had to be transmitted through the president of the ministry, Herr von Bismark. The answer of his Majesty has not yet been given. It will consist in a flat refusal to entertain the propositions of the Chamber. The King,

it is now ascertained, is entirely adverse to a war. He has been ill for some days past, but is recovering.

The Prince Royal, with his family, after a long absence in England, has returned, and so has her Majesty the Queen. The King's conduct having alienated the good-will of the people of Berlin, none of the usual demonstrations have occurred on their return.

I am, sir, your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Judd to Mr. Seward.

[Extract.]

No. 54.]

LEGATION OF THE UNITED STATES,
Berlin, January 12, 1864.

SIR: * * * * *

My return was made the occasion for most of my colleagues of the diplomatic corps to express to me their belief in the destruction of the rebellion, and the full reinstatement of the authority of the government over the revolted districts. The opinions thus expressed are a reflex of those now very generally entertained in Germany.

The development of the power and strength of republican government as shown in our history for the past two years, and the successful issue of the financial demands attendant upon the enormous expenditure occasioned by the war, surprises all of those who have been accustomed to theorize and form opinions based upon the resources of countries already fully developed, as most of the European states are. Theirs are the theories which always look up to the rulers as the fountain of all power, honor, and emolument, instead of, as with us, looking to the people as the great fountain of power. Our experiences will not only restore, but greatly increase, that confidence in republican institutions that was so rudely shaken in the early part of our struggle with the rebellion.

There cannot be a general European war without leaving, as a result, more rights and power with the masses, and reducing, again, the number of those that rule by authority of dynasties. The three hundred and odd governing dynasties that existed in Germany barely a century since are now reduced to thirty-one. The small ones now tremble at the activity and development, politically, of their peoples, and feel that the next upheaving will lessen their number, as several are only maintained in their position by the influence of the larger powers in favor of what is called established order.

The complications and proceedings in the Schleswig-Holstein controversy occupy the attention of people, diplomats, and kings, almost to the exclusion of all other affairs. The excitement of the people of Germany is forcing the rulers, and there are no states in Germany, except Prussia and Austria, that attempt to stem in any manner this current. Austria, whose empire is less German than any other, successfully resists, and, while it joins in certain demands of Denmark favorable to the German population of the duchies, is opposed to the claims set up by Prince Frederick of Augustenburg. The ministry of Prussia desire to maintain the same position, but the king is influenced to some extent by the popular feeling of the kingdom, which demands the separation of the duchies from Denmark and the acknowledgment of the claims of the Prince of Augustenburg as lawful ruler thereof.

Holstein and Lauenburg are already in possession of the troops acting under the orders of the federal Diet, and the Danish officials have either been supplanted, left the provinces, or acknowledged the authority of the civil commissioners that accompany the expedition, and, under the eyes and within the hearing of these commissioners, a new dynasty is being proclaimed. The Saxon and Hanoverian troops are now in occupation, and they, as well as their nations, sympathize with Prince Frederick. Prussian and Austrian troops are moving towards, and are in, the duchies, and the ruling powers of these countries desire that the Diet shall pronounce upon the Prince of Augustenburg's title before they define their position upon the question. Austria is against setting up the prince as duke, in any event; Prussia may or may not be, according as it sees safety in resisting the popular demand.

The immediate question now is, will Schleswig be occupied? It is believed that the attempt to do it will lead to a collision and war, and the rulers of Europe fear war at the present time. The German people are for it, as they say, in defence of, and for the protection of, their oppressed brethren in the duchies; and with many there is another underlying motive, and that is the belief that a general war will bring in its train a relief from some of the dynastic influences that press down the liberal element.

His Majesty the King of Prussia is still in disagreement with his people and their representatives in the legislature. He asked for twelve millions, to meet the exigencies of the Schleswig-Holstein difficulty, and, notwithstanding the strong desire on the part of the people that Prussia should actively interfere in these matters, their representatives refuse the money, demanding a change of the ministry, and giving as their reason that they have no faith in the proper application of the funds if intrusted to the present ministry.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extract.]

No. 55.]

UNITED STATES LEGATION,

Berlin, February 2, 1864.

SIR: Your despatch to Mr. Kreismann, as *chargé d'affaires*, No. 9, and dated January 7, 1864, is received.

The interior politics of Prussia, and the contest between the ministers and the Chamber of Deputies, have again culminated in a prorogation of the two houses. The budget for the current year, presented by the ministry to the Chambers, contained the oft rejected items for the reorganization of the army, and the same overwhelming majority again rejected these items.

The ministry also asked authority to make a loan of twelve millions, to meet the expenses to be incurred by the Prussian government in performing its obligations as a member of the German Bund in the federal execution in Holstein, and his Majesty, in a message in response to the address voted by the second Chamber, pledged his royal word that the funds should be applied to the object specified. The house refused to authorize the loan, and, in addition, resolved that a loan effected without its sanction would be a violation of the constitution, and its repayment would not be obligatory upon Prussia. In the conduct of Prussian finances it has been for years the practice not to anticipate revenue, but to use

the collections of a previous to pay the expenses of the current year, any surplus remaining from appropriations being hoarded in the vaults of the old castle, as a reserve fund to meet contingencies. This fund had been accumulating for years, and no one knew (except a board of commissioners, specially charged by the King with its control and safe keeping) what sum was in the vault. The Chamber of Deputies desired to investigate and examine the accounts of the funds there kept in coin, but was refused, on the ground that it was not subject to the control of the house nor to the legislative action. It is supposed that the government will resort to this fund to meet the expenses for which authority to contract a loan was asked, but refused.

It is true the prorogation of the Chambers leaves the ministry, as at the close of the two preceding sessions, without any budget constitutionally established; but they are enabled to carry on the government without the aid of the Chambers, from the fact that, under the existing revenue laws, an income sufficient is obtained to meet all ordinary requirements and disbursements of the government. It is only in the establishment of new taxes that the Chambers would become indispensable. The revenues of the kingdom are annually increasing, amounting at present to nearly one hundred and thirty millions of thalers.

With such a revenue system, and a royal decree to expend the funds derived therefrom, the ministry is independent of the Chambers and the constitution, so long as no extraordinary taxation is required, and the people submit to this nullifying of their constitution. Without a general convulsion in Europe, this position of antagonism between the government and the representatives of the people, and the people themselves, may continue for a long time. In fact the wisest liberals fail to perceive any mode of regaining any power or control in the affairs of the kingdom.

Revolution is not in the character of the people, and, while officially maintaining their rights without flinching, the liberal members urge upon the people to avoid all violence and not to give a welcome pretext to strike a blow entirely destroying all hopes for liberal reforms to those controlling an army amounting on a peace footing to two hundred and forty thousand men.

The people of Prussia are a thoroughly loyal people. They are administratively well governed, their taxes not burdensome, and in the main they are prosperous and advancing in political knowledge and experience, but their progress in this direction has not yet reached the sublimity of fighting for an idea, viz: constitutional rights—the practical benefits of which are but little understood by the masses of the present generation of Prussians. No violent contest with the ruling powers will occur, except in the event of a general European convulsion, and probably not then, as long as Prussian arms are successful.

As I advised you in my last despatch, the federal troops of Saxony and Hanover have, by order of the Bund, completely occupied Holstein, which is being governed by federal commissioners. The Diet stopped at this point and entered upon the consideration of the question as to the right of succession in that duchy, as between Prince Frederick of Augustenburg and Christian IX, King of Denmark, when Prussia and Austria introduced a proposition in the Diet to proceed to occupy Schleswig. The Diet refused to concur, because the occupation of Schleswig appeared not to be in the interest of a union of the duchies with Germany, under the Prince of Augustenburg as duke, whereupon Austria and Prussia set the authority of the Diet aside, by declaring that they should henceforth take the whole matter into their own hands as European powers and as the parties to the London protocol and the stipulations of 1851 and 1852.

They at once commenced the movement of large bodies of troops to the frontier of Schleswig, and demanded of Denmark the revocation of the constitution of last November incorporating Schleswig into the Danish monarchy.

On the first day of the present month the troops began to enter Schleswig, and the first collision between the Prussians and Danes occurred on the same day at Eckernförde. So far as reported, the contest was between some vessels-of-war stationed in the harbor of Eckernförde and a battery of Prussian rifled artillery, and resulted in the vessels being compelled to retire out of reach of the guns. After which the town was occupied by the Prussian troops without serious resistance.

Austria and Prussia evidently intend to throw troops enough into Schleswig to overcome the Danish forces before any aid can possibly come to them from abroad. The allies must have upwards of seventy-five thousand men on the spot, while the Danish forces are estimated at forty thousand; but they occupy a very strong position in a series of earthworks, some fifteen miles in extent, known as the "Dannevirke." There is now no appearance from this standpoint that any foreign power will come to the aid of Denmark, and the complete occupation of Schleswig will be a mere question of time. Denmark cannot successfully resist the force that is being brought against it.

The occupation completed, it will have relieved the German population in the duchies of Danish control, and I do not believe that the German powers dare restore them to Denmark. This long-pending dispute has once before sought a solution on the field of battle, the only result of which was an increase of the repressive measures by Denmark, the increase of the discontent of the governed, and the still deeper dissatisfaction of the whole German people. The Germans have felt so much and thought so long upon this question, that such an act as a repeated surrender of the duchies to Denmark, after a victorious campaign, would produce an excitement which the rulers would scarce wish to face.

From the German standpoint it is our brethren, a superior race, oppressed and trodden down by an inferior race, against law and right, at the feet of dynasties, or dynastic interests, and hence the Germans are enlisted heart and soul in the question.

In this kingdom the Schleswig-Holstein is stronger even than the interior constitutional struggle. There are three solutions of the question of occupation:

First. The restoration to Denmark, with guarantees, of the rights and freedom of the people of the duchies.

Second. The establishment of the Prince of Augustenburg as Duke of Schleswig-Holstein.

Third. The annexation of the duchies to Prussia.

Herr Von Bismark, his Majesty's minister of foreign affairs, is believed to be in favor of the first; his Majesty himself preferring the last proposition. The people of Germany, I am inclined to believe, would gladly accept either of the last two modes of solving the question, rather than have the duchies revert to Denmark.

If his Majesty separates from his minister upon this question, and carries out a vigorous German policy, the way is open to a restoration of a good understanding between himself and his people. It is thought that the initiative is taken—that the King will act, holding that the commencement of actual hostilities has relieved him from all former treaty and protocol obligations.

* * * * *

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

No. 56.]

LEGATION OF THE UNITED STATES,
Berlin, February 11, 1864.

SIR: I have the honor to acknowledge the receipt of your confidential circular, dated January 13, 1864.

Since my last despatch the progress of affairs in Schleswig has been rapid and significant. The allied army crossed the boundary on the 1st instant, the Prussians having the right and the Austrians the left of the advance. The Danes retired, skirmishing, before this advance to their fortifications called the "Dannewerke." An attack upon a portion of the fortifications at Missunde, by the Prussians, was repulsed. The Austrian advance was met with stubborn but unsuccessful resistance until it had reached that portion of the "Dannewerke" which covered the city of Schleswig, the capital of the duchy. Preparations for crossing the Schlei, at a considerable distance from the point first attacked by the Prussians, and thus turning the left of the Danish army and interposing thereby a part of the Prussian corps between that army and its base of supplies, line of retreat, and connexion with Denmark, caused the abandonment of these fortifications and a retreat to Flensburg. The Danes had not troops enough to defend them, as well as the line of the Schlei, against the immense force of Prussians and Austrians. Several engagements occurred during this retreat between the Austrian advance guard and the Danish rear guard. From Flensburg the Danish army retired to the fortifications on the island of Alsens, still within the limits of Schleswig, while a portion of the troops went forward to strengthen the garrison of the fortress at Fredericia. The Danes fought bravely, and nothing but the overwhelming force of the Prussians and Austrians caused the retreat. The course of the war thus far has been a repetition of that of 1848. The attack, the line of retreat, and, in some instances, the battle-fields, are almost identical, and the two armies are now resting, the campaign apparently ended for the present.

The political complications growing out of the action of Prussia and Austria bid fair to become very serious in Germany. The German element in the duchy has proclaimed the Prince of Augustenburg, at Schleswig, the capital, and other places, as the legal ruler. That has been met by a proclamation by the commander-in-chief of the allied forces, Field Marshal Wrangel, prohibiting any further demonstrations, the appointment of civil commissioners, and the organization of a civil administration for the duchy, retaining most of the present Danish officials in power.

The intimations, official and otherwise, put forth by Prussia and Austria, look to the re-establishment of the authority of Denmark over the duchies after a redress of the grievances of the German population thereof. So thoroughly is that belief fixed in the German public mind that the excitement caused by the hope of a German rule in the duchies, and which in the beginning was so universal, has cooled down, or rather taken the direction of hatred towards Prussia and Austria.

Bavaria has called a congress of ministers from the minor German states to consult as to the best means of resisting the claims and pretensions of Austria and Prussia to act in German affairs in character as European powers, and without the consent and against the wishes of the Diet. The present feeble union of Germany is seriously threatened by these complications, and if the allied powers carry out the intentions imputed to them of excluding from Holstein the army of execution, sent there under federal resolve, and the rival administration authorized by the Diet, there will be an end of the existence of the Bund, and it is difficult to see how a collision among the German powers could then be avoided. The evident design of Prussia and Austria is so to conduct the Schles-

wig affair as to make its final settlement a European question, and by that means to divide with others the odium which would arise again in Germany against the authors of a second surrender of a German land to the rule of a foreign nationality.

The explanation of the policy of the Prussian minister for foreign affairs, Von Bismarck Schoenhausen, as he is in reality the chief and leading spirit in the entire movement, is found in the general discontent of Prussia at the destruction of its constitutional rights, the wide-spread liberalism and tendencies to unity throughout all the states of Germany—all of which found a common rallying point or centre for political influence and action in the sympathy for the German people in the duchies—and in the attempt to establish another constitutional state, the location of which would weaken the dynastic policy now in vogue in Prussia; the army mobilized so as to be ready for contingencies, the influence of the smaller states weakened, and the authority of the Diet substantially overthrown. It was believed that the constitutionalism, or democracy, as they call it, would be overawed, and "divine right" again constitute the assumed basis of government.

England will not fight. France sits quiet, seeing its "congress-of-nations" policy forced upon Europe in spite of England's refusal.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

No. 57.]

LEGATION OF THE UNITED STATES,

Berlin, February 18, 1864.

SIR: Your despatch, No. 65, dated February 1, 1864, is received.

The belief in the final suppression of the rebellion and the re-establishment of the authority of our government over the entire territory of the Union is now almost universal throughout Germany. The leading reactionary papers in Berlin, which, during all the struggle, have omitted no opportunity to disparage our cause, now give utterance to the prevailing opinion as to the condition of affairs in the United States. This change of opinion is marked and radical, notwithstanding the false and garbled news that is telegraphed throughout Europe on the arrival of every steamer. The sensation reports in our newspapers, which magnify the most trivial movement of the rebels into something of great strategical importance, and, for want of real events, keep constantly parading their fears of threatened interruption of important lines of communication, proposed invasions, fancied sieges, blockading of the Mississippi, abandonment of places occupied by the Union forces, &c., are now regularly sent over the wires on the arrival of every steamer, but they have ceased to mislead or alarm any intelligent person. Events on this side of the ocean have drawn public attention from our affairs, and the impressions of ultimate success which had been made before the commencement of the war here are not affected by what appears to be the winter amusement of our own newspapers.

The military movements in Schleswig remain as I advised you in my last despatch. The Danish troops are mostly in the fortifications and on the island of Alsen, and their vessels-of-war are co-operating to prevent a further advance. The Prussian army is now lying in front of these fortifications, preparing for further movements. It is almost impossible to determine with accuracy what happens with the army, as the habit of exaggeration, which prevailed at one

time in our country, in relation to military transactions, has been dwarfed by the capacity shown in Germany for military "roorbacks." Shakspeare, were he living, would have left old Sir John and his men in buckram in obscurity and immortalized these German sensation-mongers. As a specimen, the telegraph killed and wounded a thousand men in Fleusburg, and the brave troopers swept over barricaded streets with a fury known only to patriots. Humble truth later decided that nobody had fought there, and consequently nobody was hurt. Canting hypocrites on this side have pitied the sufferings of our soldiers, and censured the government for indifference and providence, and yet this winter campaign in Schleswig has developed that a military government with a standing army of 200,000 men, and magazines supposed to be full of war supplies and munitions, had no tents, no blankets, no stockings; the overcoats rotten and dropping to pieces after a few days' wear; the commissariat and hospital arrangements utterly deficient, so that the wounded soldier is snowed in and frozen to death before being cared for, and the living sustains life from his own animal vigor, half fed, unsheltered, among the snows of Schleswig, and all this within a distance of fifteen or twenty hours from this capital.

The question as to who were the belligerent parties has agitated German diplomacy for several days. There has been no declaration of war upon either side. The troops of the Bund, pursuant to the order of the Diet, occupied Holstein, a province belonging to the German confederation. The Danes, although affirming that such occupation would be hostile, retired without conflict before the advancing troops of the Bund, until the whole of Holstein was in possession of these troops under the decree of execution. At this point Austria and Prussia asked permission of the Diet to occupy Schleswig, in order to secure a guarantee that Denmark would fulfil its obligations to the German subjects in the duchies, as claimed to exist under the treaty of 1852. The authority being refused by the Bund, the two powers announced their determination to carry out their views and intentions independently of the Diet, and accordingly concentrated their armies and invaded Schleswig. There was still no declaration of war. On the contrary, they announced that they came for peaceable purposes. Denmark met them on the borders, and, considering the course of the allies a hostile proceeding, the conflict and actual war commenced.

Denmark has settled for herself the status, and recognized war as existing with all the states of Germany. The hostile act for which she holds the states of Germany, other than Prussia and Austria, responsible, is the permission allowed to the troops intended for the invasion of Schleswig to pass through the territory of Holstein, then in possession of the federal army of occupation, and civilly administered by commissioners appointed by the Diet. Following out this status, Denmark has established an admiralty court, and, it is believed, will proceed to blockade the ports of Germany. German vessels in Danish ports have been seized, without giving them the customary time to leave, although it is asserted that Denmark is ready to come to an agreement, so as to release again all those vessels that may have been seized before a certain time. This course of Denmark has been met by Prussia and other German states by at once placing an embargo upon Danish vessels within their ports, and the Diet, a few days since, has decreed an embargo upon all Danish shipping in all the German harbors. The text of the regulations established by Denmark regarding the blockade and the seizure of ships has not yet been received here, so that I am unable to advise of their precise effect; but they establish a condition of war with all of Germany. The representatives of German states, which have seaports, have informed me that such is the attitude of Denmark towards their respective states. Denmark has naval strength enough to put an end to German commerce in the North sea and the Baltic; to close the mouths of the two most important rivers, the Weser and the Elbe, and so destroy for the present the foreign commerce of Bremen and Hamburg.

This successfully done, and again England profits by the distress of her neighbors, and seizes more of the carrying trade.

There will be no war by England in favor of the Danes. The same interests and influences which in our own case caused it to close its eyes to a violation of its own municipal laws, and to the disregard of the law of nations on the subject of hostile armaments, will regulate its conduct in the Dano-German conflict. It is in the power of the Emperor of France to change and determine the whole question, and he waits and watches.

To-day it is rumored that the allied forces are advancing from Schleswig into the Danish province of Jutland, thus leaving behind the professed objects in the invasion of Schleswig, and assuming the full hostile responsibility of invasion.

Internal matters in Germany are, meanwhile, assuming every day a more threatening aspect. I advised you in my last despatch of a convention of ministers of the smaller states, called by Bavaria, to meet at Wurzburg. It has met and adjourned, but its proceedings are not yet before the public. The minister for foreign affairs, in this kingdom, seems to revel in these complications. The Prussian government has ordered the mobilization of another army corps, to be stationed in the province of Silesia, on the border of Saxony.

It is said that the Saxon government has received assurances from the Emperor of France that in case of actual aggression on the part of Prussia he would sustain the smaller states of Germany, and so Germany itself may yet become the theatre of war, in which case it is generally believed Austria would be found taking the side against Prussia. Already, voices are being heard in the Austrian press protesting against Herr Von Bismarck's course against the members of the Bund, and apprehensions are expressed that Prussia has ambitious projects under her zeal for the enforcement of treaties, and that territorial aggrandizement is among the dreams of Herr Von Bismarck.

The two nations have given assurances to the other great powers of Europe, more or less positive, of their intention to restore the territorial integrity of the Danish monarchy, after having established the rights of the duchies to their union, and separate administration upon a firm and lasting basis. Austria is believed to be in earnest in this declaration; but to the Prussian statesman, motives and purposes other than the declared ones are attributed. Besides his ambitious designs to gain for Prussia a territory with important harbors, liberals charge him with a desire to crush out the smaller states of Germany. The attempt to take from the Diet and its army of execution the possession of Holstein, and the quartering an army on the borders of Saxony, are considered proofs positive of these intentions.

So far as the official declarations of the Prussian government go, up to the present time, it means to restore, in due time, the duchies to Denmark, on the terms that the union with Denmark shall only be a personal rule of the King of Denmark, as Duke of Schleswig-Holstein, the duchies being united under a common administration of their own—a relation similar to the one existing between Sweden and Norway. Less, Prussia (so proclaims King William) will not accept, and not "until having at least accomplished so much will he sheathe the sword he has drawn."

The difficulties and complications are increasing every day, and most of the diplomatic representatives here are well-nigh convinced that the approaching spring will see a European war.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

No. 58.]

LEGATION OF THE UNITED STATES.

Berlin, February 27, 1864.

SIR: The threatened invasion of the Danish province of Jutland, mentioned in my last despatch, has taken place, and the result was the occupation of the village of Kolding, immediately on the boundary line. Report says that a part of the village is in Schleswig. The advance was made by the Prussian troops. As soon as knowledge of it reached Austria the proceeding was objected to. The utterances of the other great powers, moreover, were so significant that no further advance was made. No other military event of any importance has occurred.

The ministerial conference of some of the smaller German powers which assembled at Würzburg separated without any decided action, saving their evident disagreement or fear under some general resolve to stand by each other and the authority of the Diet against any aggressions by the great powers. The truth is, Prussia and Austria control the Diet. They usually carry with them enough of the smaller states to accomplish what they may desire. If the majority of the Diet ever place themselves upon the record against the wishes of the two great powers, it is sure to be upon a question that in solution will not cause serious disagreement.

England, with the consent of France and Russia, proposed to the allied powers a conference with a view to a settlement of the question, and pending the proceedings an armistice should be established. The allied powers assented to that part of the proposition involving a conference, but refused to entertain so much of it as demanded an armistice. To this modification the other powers assented, and it only remains for Denmark to agree to it, and thus remit the Danish Schleswig-Holstein question again to its historical and traditional position, viz., the hands of diplomats. Denmark will be compelled to join in that conference. It cannot resist the combined will of the five great powers. What terms will proceed from that conference can only be judged of in a degree from the position already taken by some of these powers. England had made desperate efforts to have Denmark withdraw the constitution, the effect of which was to consolidate the duchies into the kingdom of Denmark as an integral part. The King of Prussia has declared that he will not sheathe the sword until the duchies are united under a separate administration. Austria does not desire to separate them from Denmark and allow the Prince of Augustenburg to be established as duke. From present appearances, the conference will find the duchies completely Germanized in its interior administration, as the evidences of Danish rule are being set aside as rapidly as possible. The Danish language in official and legal proceedings, and in church and school, has been supplanted by the German, and Danish officials go into retirement with their language. An old law of the duchies, requiring two years' study at the University of Kiel as a qualification of such official positions as involve a collegiate education, has been revived, which act alone vacates all the leading and important offices.

These proceedings will have been finished before the conference is ended, and to all intents and purposes the duchies will be an independent state, except on the sole question of who shall be the executive head. The allied powers are opposed to the pretence of the Prince of Augustenburg, and my conviction is that the Danish king will have rule over the duchies, but he will not be allowed to undo what has been accomplished by the occupation of Holstein and the invasion of Schleswig. While his personal position will thus be preserved, it will not add to the power of the kingdom of Denmark. A quasi independent sovereignty annexed to the kingdom through a disputed succession, foreign in its language and laws, hostile from a feeling of wrong and oppression hereto-

fore suffered, and conscious that the German nation is its protector, it will be a constant source of strife and conflict and weakness to Denmark. The duchies will be in the kingdom, but not of it.

Through the official papers of Copenhagen the Danish regulations for the blockade of the German ports have been given to the public "in extenso." I beg leave to annex them as published in the German press. According to these regulations a provisional embargo is to be laid, until the first of April, upon all ships carrying an enemy's flag anchored in the ports or bays of Denmark. After that date such ships may be withdrawn with safe conducts to non-blockaded ports, upon condition that the states to which they belong will exercise reciprocity. As regards the blockade itself it is said: "The blockade is to be held to have commenced when one or several vessels blockade a port in such a manner that merchantmen can neither enter nor issue without running evident risk of capture. Commandants of ships charged with the blockade are immediately to summon neutral vessels anchored in hostile ports to state when they will leave the blockaded port."

For the present, the blockade of the Holstein and Schleswig ports alone is decreed; but it is intimated that the blockade of all German ports in the Baltic and North sea is soon to follow.

The Paris declaration on the subject of privateering, &c., will, in general, be observed by Denmark.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Judd to Mr. Seward.

No. 59.]

UNITED STATES LEGATION,

Berlin, March 12, 1864.

SIR: The initiative in the spring campaign taken in the southwest has tended to confirm European belief in the rapid overthrow of the rebellion. General Sherman's movement of his army corps is exciting the admiration of military men here. We have telegraphic news this morning that he has reached Selma. Johnson would seem to be in a position to be "ground out" very soon between the upper and nether millstone.

German diplomacy has been busier than their arms since my last despatch. The conference proposed by England for the consideration of the Danish question was acceded to by Prussia and Austria, but the consent carried with it an equivalent to a negative in the condition attached, requiring Denmark to surrender so much of Schleswig as it still possessed, viz: the fortifications of Düppel and the island of Alsén.

Denmark has not yet replied to the proposition, and if the reply of that government should follow the will of the people, as exhibited in the late elections, that reply would be a refusal until the allies had evacuated Schleswig.

The invasion of the Danish province of Jutland was suspended for some days at the point first seized; during that time the diplomats have been busy. The result is that the allies are again advancing, and, with some fighting, have reached Frederica.

This movement is said not to have in view a permanent occupation of that province, being only strategical, to compel the Danes to abandon the fortifications of Düppel and the island of Alsén, by outflanking their position. A direct attack from the front is regarded as doubtful in its result, and even if success-

ful, would be accompanied by such a loss of life that the allies prefer the political complications growing out of the further occupation to the sacrifice of their men.

Denmark has declared that from and after the 15th instant the following Prussian ports will be blockaded, viz: Comin, Schwinemunde, Wolgart, Greifswalde, Stralsund and Barth.

Danish cruisers have already seized a considerable amount of shipping belonging to the different German states.

Prussia and Austria have not yet abandoned their attempt to control, on behalf of Germany, this entire Schleswig-Holstein question. For the bold movement of crowding out of Holstein the troops of the Bund, they have substituted diplomacy in the Diet where their proposition to assume the whole control is still undecided. I am prepared to see it adopted, as I have a present conviction that nothing hostile to the views and wishes of the allies will be undertaken by that body.

The German people in the beginning had some confidence that the Diet would protect the German nationality in the duchies, even to the extent of quarrelling with Prussia and Austria. They have been undeceived on that point. The last effort of the Diet to rescue itself from the powerless and insignificant state into which the action of the great powers has thrown it, is a proposition to declare war against Denmark, based upon the seizure of ships, blockade, &c.

Such a declaration would only be a statement of the actual condition of things, and if it sent into the field the troops of the Bund they will be under the dictation and control of the allies. Every day makes more and more clear the political "rope of sand" that binds Germany together. In this respect the cause of German union has lost one of its crowned champions in the sudden and unexpected death of the King of Bavaria, Maximilian II, who died on the 10th instant, after one day's illness; he was greatly beloved by his people. He was believed to be sincerely attached to the cause of constitutional government and German unity. Bavaria being, next to Austria and Prussia, the largest of the German states, it was to King Maximilian to whom the friends of the independence of the duchies of Schleswig-Holstein chiefly looked for help. His death is a serious blow to the waning hopes and prospects of the Prince of Augustenburg.

King Maximilian is followed by King Ludwig II, his son, a youth not yet nineteen years of age. The demise of the aged King of Wirtemberg is also daily looked for.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extract.]

No. 60.]

LEGATION OF THE UNITED STATES,

Berlin, April 2, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches, Nos. 66 and 67, dated, respectively, 9th and 12th of March ultimo.

A conference, diplomatic, for the solution of the difficulties in Denmark and Schleswig-Holstein, has been assented to by Denmark, Prussia, Austria, England, France, Russia, and Sweden. The German Diet has been notified of this, and requested to send a representative. No conclusion has yet been arrived at by that body upon the propositions.

The delegates, assenting to the agreement, are to meet in Sweden on the 12th instant. As no basis for the negotiations has been passed, and the war is to continue pending the deliberations of the convention, a very general impression here is, that no result will be reached, and some of the members of the corps diplomatic do not believe that it will even assemble.

Austria desires to get out of this complication upon almost any terms. This disposition, and the failure as yet to get the Diet to adopt the war on behalf of entire Germany, compels the Prussian government either to assent to the conference, or find itself isolated in the war against Denmark.

The military operations are now confined to the attack upon the fortifications at Düppel, and appearances are that they can only be taken by the slow operations of a regular siege. From all the information that I can obtain, it will be found, as a defensive position, almost a second Sebastopol. If Denmark had troops enough to re-enforce the place as the exigencies of the defence place hors du combat the present garrison; even the present numerical odds of four or five allies to one Dane would not enable them to take the position. The allies have been before it for some three or four weeks, and a Prussian officer, just from the theatre of war, told me he thought it would require two months more to reduce it.

* * * * *

I am, respectfully, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Judd to Mr. Seward.

[Extract.]

No. 61.]

UNITED STATES LEGATION,

Berlin, April 7, 1864.

SIR: Your despatch, No. 68, dated March 14, is received.

I enclose herewith copies of letters between Mr. Sundell, consul at Stettin, and myself in relation to the blockade of the port of Swinemünde.

I hope that the advice I gave Mr. Sundell will meet your approval.

Respectfully, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Sundell to Mr. Judd.

No. 1.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Stettin, April 2, 1864.

HON. SIR: In order to be prepared, should an American vessel be under way for this port, which I have reason to believe, I would pray for your kind instructions how to proceed in case the vessel, in passing the sound, should be notified by the Danes that Swinemünde is blockaded, and the captain therefore, perhaps, run into some other port, not included in the so-called blockade, and desire to discharge his cargo there.

The consignees here would, then, probably, as has been done in like cases already, where vessels of neutrals were concerned, apply to me for instructions to the captain of such vessel to proceed here, to which place he has been chartered, as long as no "legal blockade" exists, and up to this evening there has been "no actual presence of a blockading force" at Swinemünde. A squadron of Danish vessels-of-war has been in sight for an hour or so at different times—that is all; but the same has not been "stationary, nor sufficiently near" at any time, so as to effect a "valid blockade" of that port.

Should this state continue, I think, myself, no neutral vessel is bound to respect either the notification from the Danish admiral, of which I have had the honor to inform you, and which was sent in by a British merchantman from a place in the open sea about fifty miles distant from Swinemünde, nor the notices of the pretended blockade given by Danish pilots to vessels passing the sound or the belts; but in order to be sure, what to do when applied to, respectfully ask for your instructions on the subject the earliest day possible, and the more so as my opinion thereon is frequently asked by other foreign consuls here, and I am somewhat uncertain as to (my way of reading) Wheaton being right or not.

I have the honor to be, sir, yours sincerely obedient servant,

CHARLES J. SUNDELL,

United States Consul.

Hon. N. B. JUDD,

Minister Plenipotentiary of the U. S. A., at Berlin, &c., &c.

Mr. Sundell to Mr. Judd.

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Stettin, April 4, 1864.

HON. SIR: Yours, greatly esteemed, of the 2d instant, I have had the honor to receive, and in regard to the notified blockade, by Danish vessels of-war, of the six seaports in this consular district, of which I had the honor to report under the 29th of last month, I now beg to state, in addition, that it is being generally considered here that no such blockade as notified by the Danish government under the 12th, and again by the commander of the Danish squadron somewhere in the Baltic, under the 18th of same month, has at any time, up to this present, ever existed *de facto*.

In support of this opinion, which, as stated in my last, is also cherished by most of the consuls of the neutral powers residing at this place, the enclosed exposé has been gotten up here for circulation in Great Britain, and which, as I feel bound to admit, gives the nature of the case exactly as it exists, leaving the arguments therein contained at what they are worth, and to be considered separately.

The greatest strength of the notified blockade has hitherto been in the notification itself, and in the fact also of the Danes commanding the sound and the belts, where every neutral vessel passing is being officially notified that the ports named are blockaded, and the captains believing therein, in order to avoid supposed dangers, run into some other port, not among the pretendingly blockaded, to discharge or dispose of their cargoes.

Concerning the irregularity in notifying the consuls of the neutral powers of the blockade, the matter stands thus: When, after the naval engagement on the 17th of March, the Prussians returned to Swinemünde, and the Danes to Muen, a British merchantman fell in with the Danish squadron when at sea, and was induced to appear on board the flag-ship Szalland, where he received a permit to proceed on his voyage to Stettin, and at the same time Contre Admiral von Dockum handed him six sealed letters for delivery when in port,

addressed to the consuls of the neutral powers, namely, one letter in common to all the consuls in each of the places to be blockaded. This was on the 18th, and on the 20th the British captain arrived at Swinemünde, where he very innocently delivered said letters to an officer of the Prussian government, who saw fit to forward the same to the minister of foreign affairs at Berlin.

On the 26th the British consul here received a despatch from his ambassador at Berlin, with these same letters enclosed, which, having been sent to him unopened from the ministry of foreign affairs, he now directed Consul Blackwell here to open, and communicate their contents to the other consuls, who all reside here, and which was accordingly done by sending the documents around for copying. After which they were returned again to the British consul. The notifications were all of the same tenor, excepting the name only of the different places to which addressed; were worded in French; dated Bay of Stettin, March 18, 1864, and signed C. von Dockum, contre admiral. A translation thereof will be found in the exposé, and, if required, I will send you a copy of the original.

The exposé contains all that I could at present report regarding the intended blockade, and its effect upon the minds here, wherefore I take the liberty to send you the same; and awaiting your instructions as requested,

I have the honor to be your sincerely obedient servant,

CHARLES J. SUNDELL,

United States Consul.

Hon. N. B. JUDD,

Minister Plenipotentiary, &c., U. S. of A., Berlin.

Mr. Judd to Mr. Sundell.

No. 3.]

LEGATION OF THE UNITED STATES,

Berlin, April 6, 1864.

DEAR SIR: Your favors of the 2d and 4th instant are at hand. It seems to me that the question of the sufficiency or insufficiency of the blockade of Swinemünde should not be anticipated by you in advance of any demand for your official action.

I have seen in the newspapers that the government of the United States has been officially notified of the intention of the Danish government to establish a blockade, and it has, by proclamation, brought that notice to the attention of its citizens.

You have also received a notice to the same purport; the regularity and effect of that notice may or may not hereafter become the subject for serious discussion under the rules prescribed by Denmark for the conduct of its officers.

You also advise me that the Danish pilots in the sound or belts are notifying all vessels of the blockade.

It seems to me that enough has been done to show clearly and distinctly what the Danish government mean, and the next step on their part is to carry such instructions into effect in accordance with the law of nations, which requires an "effective blockade."

The United States government is not a party to the Paris treaty, for the reason that greater freedom of the seas was demanded upon its side than was provided for in the stipulations of that treaty.

The question, under the circumstances, becomes one of fact, to be determined upon the evidence submitted to the prize court before which condemnation is sought against any vessel charged with breaking or attempting to break the blockade. We have claimed for our courts full jurisdiction and authority to pass upon these questions, and demanded that the adjudications should be

respected. Our government will concede the same authority to the courts of other nations, and respect all decisions made in good faith and according to law. While so doing it will not neglect to look after the interest of vessel owners, not only upon the question of law, but as to the facts.

For you to anticipate the questions thus to be determined, and in advance declare the "blockade ineffective," before the occurrence of any case calling for your official action, and especially to undertake to instruct the master of a vessel or the consignee of a cargo that they can with safety run into the port of Swinemünde, now claimed to be blockaded, would be assuming a responsibility that you are not called upon to assume. These parties must take upon themselves the responsibility of the conduct of the vessel, and your duty is to aid them all in your power, if they become involved in difficulties. To that end all information as to the condition of the blockading force, &c., &c., should be carefully preserved, so as to be made available, but no act or advice of yours should lead them into experiments.

While I should have a very decided opinion, if all the facts are shown in the circular that accompanied your letters, I certainly should not utter that opinion in advance, in such a manner as to induce the parties interested to violate what is claimed by Denmark to be an effective blockade.

I have had an interview at the ministry of foreign affairs upon this subject, and although the insufficiency of the blockade is there claimed, and notwithstanding the official notice to that effect given by the Prussian government, they were very desirous that I should understand that the government assumed none of the responsibility which neutral vessels might incur in running into Swinemünde.

You say you have laid all the facts before the State Department. The Secretary's proverbial promptness, and his habit of elaboration, will give you, at the earliest day, complete and full instruction.

As our government has been enforcing a blockade for a long time, its attitude is such as forbids its representatives from assuming any doubtful position upon such questions.

I am, sir, your obedient servant,

N. B. JUDD.

CHARLES J. SUNDELL,
U. S. Consul, Stettin.

Mr. Judd to Mr. Seward.

[Extract.]

No. 62.]

LEGATION OF THE UNITED STATES,
Berlin, April 16, 1864.

SIR: Your despatches Nos. 69 and 70, dated 19th and 21st of March, respectively, as also circular 48, bearing date 6th February, are received.

The Prussian portion of the allied army are still in front of the fortifications at Düppel, making their approaches according to the best approved principles of modern warfare. The bombardment is described as terrific. The hopeful are promising themselves daily news of the storming of the fortifications. As yet the digging and firing, in which they have been engaged for nearly two months, continues.

The London conference, which is now a fixed fact, and was to have assembled on the 12th instant, is postponed to the 20th. The cause for the postponement, as alleged, was the inability of the German Diet to act upon the proposition made to it in time to send a representative.

The Diet has now acted and Her Von Benst, the prime minister of Saxony, will represent it at the London conference.

That assemblage will be a mere representation of dynastic interests, and if any

concession is made to the will of the people of Schleswig-Holstein it will be because the German rulers fear the result among their own people in the event of the restoration of the duchies to Denmark. Those interested may concede that much because they can do it at the expense of a small kingdom. If it is done, it will be contrary to all the principles of the men and the party who now control Prussian affairs, and it will be a concession from necessity to the popular will in Germany and in the duchies. The invasion of Schleswig was, in reality, an attempt to stifle the popular opinion of Germany as it was being developed in connexion with the affairs of the duchies. Events have been stronger than the will of the ruling statesmen, and Herr Von Bismarck must yield on that point.

The conference may postpone what dynastic rulers think the evil day and preserve for the present the peace of Europe; but there is no mistaking the fact that Europe is arrayed in two vast hostile forces, only abiding their time for the final struggle. It is dynastic Europe, in possession of the governments, controlling armies and treasures, against liberal Europe, sometimes called democratic and revolutionary, of which Garibaldi is a fair type and representative. This antagonism exists in nearly all of the kingdoms, and the knowledge of its existence, and of the fact that a general war would develop its power, is the real reason for the strenuous efforts which are being made to preserve the peace.

The ovation given by the people of England to Garibaldi is a subject of comment in all the governmental circles in Europe, and in spite of the efforts to deny its political importance, it is causing new and additional agitation and raising the hopes of the liberals. The governing classes of Europe look upon this movement unfavorably, and, so far as any prominent statesman has taken part in the festivities, it was from compulsion and in obedience to a popular demand too powerful to be resisted, and too much in earnest to be thwarted with safety. The tories of England, at the beck of the Emperor of France, drove from office the friend of Mazzini because of his friendship for that individual; but the people of England have given to Garibaldi, also a friend to Mazzini, an ovation such as was never meted to a crowned head on that island.

The new empire of Mexico is established, so far as it can be done on this side of the ocean. Maximilian has accepted the crown and assumed all the trappings of royalty. He has organized his imperial official household, appointed diplomatic representatives to the leading European courts, and sailed from Trieste in an Austrian armed ship, accompanied by French ships, and will call at Rome for a blessing on his way to his fancied empire.

The new Mexican loan has enabled Maximilian to pay his debts—he was hopelessly insolvent—has given him, in addition, a few millions of francs for travelling expenses, and put in the French exchequer the balance to pay past liabilities and guarantee future responsibilities. * * *

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Judd to Mr. Secard.

No. 63.]

UNITED STATES LEGATION,
Berlin, April 20, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch No. 71 dated April 5, 1864.

The fierce bombardment of the fortifications at Düppel, as described in my last, was continued until the morning of the 18th instant. At five o'clock in the morning on that day the Prussian troops mounted the trenches, and at ten

the signal for storming the works was given; in about two hours and a half all the ten forts were taken, and very soon thereafter the "tete de pont," which protected the bridge connecting Düppel with the island of Alsen, was also carried. The Danes destroyed the bridge to prevent the Prussians from crossing to the island, thus cutting off the retreat of a considerable portion of the corps that had been defending the fortifications. The Danes lost nearly one hundred officers, and perhaps two thousand prisoners and all of the artillery in the fortifications.

The Prussians report their loss at two generals, sixty officers, and six hundred men killed and wounded.

The shores of the island of Alsen are lined with Danish batteries whose effectiveness depends entirely upon the condition of the troops. My impression is that they will find themselves too much exhausted to prevent the crossing and further advance of the Prussians, elated as they are with their present victory. Berlin was very much excited over the result and was illuminated. The people gathered around the King's palace shouting, cheering, and singing, and his Majesty appeared on the balcony and saluted the people.

The ministerial papers announce the intention to fully occupy the province of Jutland and to hold it as security for the injury done to German commerce by the Danes.

The conference assembles on the 25th instant at London, and in the present excited state of both Danes and Prussians, it seems as though it would be an impossibility to obtain even a cessation of hostilities during the discussion.

The Emperor of France holds the key to all these difficulties; armed to the teeth, his will is to-day law to all Europe, excepting Russia. What he means no one seems to understand, but he has sent a personal telegram to the King of Prussia congratulating him on the success of the Prussian troops before Düppel. To-morrow evening the King goes himself to the army in Schleswig to congratulate it and bestow his favors and decorations.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extract.]

No. 64.]

UNITED STATES LEGATION,
Berlin, May 4, 1864.

SIR:

The allied armies now possess all of Jutland, so far as any military forces occupy the same, the Danes having abandoned the fortifications at Frederica, which have been occupied by the allies. The Danes have also abandoned all of the mainland of the province of Jutland.

The work at the London conference goes on very slowly. The representative at London can give earlier and more exact information as to the real position of affairs in that conference than I can from this point.

The proposition for an armistice in the form proposed by England and France has been rejected by Prussia and Austria. The position of those governments on the subject of an armistice is as follows: They demand an abandonment of the blockade of the German harbors, the surrender of the prizes captured, and

the evacuation and surrender of the island of Alsen, which is a port of Schleswig, upon which terms they, on their part, seem disposed to agree to the evacuation of Jutland by their forces and an armistice.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Judd to Mr. Seward.

[Extract.]

No. 65.]

LEGATION OF THE UNITED STATES,
Berlin, May 10, 1864.

SIR: To-day the telegraph brings reports that the London conference has arranged for a cessation of the hostilities between Denmark and Germany, for the term of four weeks, commencing on the 1st instant, on the basis of the "Uti possidetis," so far as the present position of the hostile armies is concerned, and Denmark, in addition, to raise the blockade of such ports as are now blockaded.

The telegraph also brings the news of a naval battle between some Danish ships and a portion of the combined Austrian and Prussian squadron, near the island of Heligoland. As yet we have not enough of detail to determine who has a right to claim the victory. The reports tell of about one hundred and seventy killed and wounded on the side of the allies, and severe injuries to some of the ships. Most, if not all, of this has been suffered by the Austrian portion of the squadron. There is no report from the Danish, beyond the allegation that they have achieved a victory, have received some injury, and sailed northward.

My conviction is that the conference cannot restore the duchies to Denmark as an integral part of that kingdom. It may give the King of Denmark personal rule, and through that create a "personal union;" but matters have gone so far, that even that is not probable. The maintenance of peace under such a union is impossible. The conviction is so strong among the people of the duchies that the present is the time to free themselves from Danish rule forever, that force only can keep them from rebellion against such an arrangement as will prevent the accomplishment of their purposes, and such a force must come from the great powers of Europe. The Danish military power is broken—its war material largely captured, (among it four hundred pieces of cannon,) its fortifications, some of which have stood for centuries, levelled to the ground, and its loss in killed and wounded very large. The Danes are a free, martial people, who have resisted bravely, and step by step, the advance of overwhelming numbers, and although, unaided by other nations, the position was desperate from the beginning, they have struggled with a bravery and obstinacy that must be admired. Denmark proper has a population of a little more than a million and half, and it cannot alone govern the duchies against their will, as the power of the duchies is not to be measured alone by their population. A contest will call to their aid volunteers from all Germany, and no one, not among the Germans, can appreciate the depth of feeling upon the question throughout Germany. It is useless to speculate about who will rule the duchies hereafter. It is not believed here that the London conference will settle that question. The prime minister of Prussia is said to have ambitious views territorially, but such views are believed not to correspond with the feelings of the king. If the question should be left to the people of the duchies, the Duke of Augustenburg would be their choice. A dissolution of the London conference without a definite

settlement of the question, and the continuance of the war, or even the continued occupation and administration of the duchies by the allies, might pave the way for the prime minister's ambition. I think he hopes to have circumstances and events do for him what could not be accomplished by an open announcement. Such an announcement would call upon all the great powers to take an active part in the question.

For the moment, one of the objects expected from this war on Denmark has been accomplished. The attention of the great mass of the people of Prussia has been drawn away from the internal politics and affairs of the kingdom, and military glory and success have made them forget, in the enthusiasm of the moment, that they practically ceased to be a constitutionally-ruled kingdom. Military influence and control will now have undoubted sway in this kingdom.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extracts.]

No. 66.]

LEGATION OF THE UNITED STATES,
Berlin, May 28, 1864.

SIR: Your despatches Nos. 72 and 73, both bearing date May 9, 1864, are received.

The London conference which had, at its last meeting, adjourned for two weeks, reassembles to-day. If we can rely upon the quasi official intimations put forth for the last few days in the journals supposed to represent the views of several of the leading powers, and upon the general opinion now expressed by all members of the diplomatic corps in Berlin, the adjournment has not been fruitless. According to these intimations all the great powers are united upon the proposition to place the Duke of Augustenburg upon the throne of Schleswig-Holstein; Schleswig to be divided in such a manner as shall give its German population to the new state, and its Danish population to Denmark, as an integral part of its kingdom, freed from all control of the German Bund. That arrangement was suggested, and the idea fiercely rejected by Denmark before the commencement of hostilities. It is now tolerated in Copenhagen in the newspapers, and claimed to be far preferable to any personal union, as such personal union would permit the internal affairs of the kingdom to be meddled with by the German Bund.

The friendship of England has been the bane of Denmark. Expecting material aid in the event of a struggle with the German powers, Denmark felt bound to yield to the advice of that power, and concession after concession was made under that advice, such concessions only partially meeting the demands of Germany; and, finally, when war came, there was no aid to be obtained, and it is reported that the counsellor, adviser, and friend is to make the proposition to divide its kingdom. Denmark could have made all these terms, and even more favorable ones, by direct negotiations with the German powers before the commencement of hostilities; but, deceived by false hopes, it resisted, and has now nothing to show for the horrors and losses of war but a divided kingdom.

Your representatives in London will probably send you, by the same steamer that takes out this despatch, the result of to-day's conference in London. I can only give you what is thought and felt here.

We have telegraphic news from America to the 18th instant. The shock of arms in Virginia has made even Europe hold its breath, and compelled the London Times to withdraw its standing falsehood, that our cause was supported only by mercenaries. God grant that the bravery, endurance, and sufferings of our noble army may be rewarded by the complete triumph of our righteous cause.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extract.]

No. 67.]

LEGATION OF THE UNITED STATES,
Berlin, June 11, 1864.

SIR : * * * * *

I assume that there will be peace as the result of this conference. Denmark has realized her helplessness and want of friends willing to risk a war on her account, and now consents to the division of the kingdom. The German powers having taken from Denmark Lauenburg and Holstein, are willing to assent to the division of Schleswig, only debating over the line. Another division of a country by treaty stipulations and in the interests of dynasties is to be made, and a new governmental dukedom, by the grace of the powerful, is to be established for Frederick of Augustenburg; and although I believe he is the choice of that people, the statesmen of the Austrian and Bismarck school do not wish so far to recognize the principle of democracy as to consult, even "*pro forma*," the people.

The position to-day is that the German powers will not consent to the division of Schleswig upon the line of the river Schlei, as proposed by England, and rather than adopt it will resume the war. They insist on the line of Tondem-Apemadé; or, at the utmost, they are willing to yield to the line of Tondem-Flensborg, and they have formally notified that unless a basis is agreed upon within the fourteen days, viz., by the 26th of June, hostilities will be renewed.

As the differences in the conference only involve the interests of little helpless Denmark, and the wishes and desires of the people of Schleswig, I do not believe such obstacles will stand in the way of a settlement.

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I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extract.]

No. 70.]

LEGATION OF THE UNITED STATES,
Berlin, July 5, 1864.

SIR : Your despatch No. 75, and dated June 17, 1864, is received.

The direction in relation to Baron Von Gerolt shall be fully observed to-day, when I make my departure visit to the ministry. The chief Von Bismarck is absent with the King at Carlsbad, and the under-secretary of state, Mr. Von Thile, receives.

At the close of England's abortive attempt to keep the peace, by constantly showing that she could not be driven into a contest, the war was renewed, and the allies, in overpowering numbers, crowded to the island of Alsen, defeated the Danes with great loss, and now possess the entire territory that is claimed as a part of the duchy of Schleswig.

The Danish province of Jutland is likewise substantially in the possession of the allies, and it is said that they intend to levy contributions to meet the losses sustained by the German states on the ocean.

The disposition of the duchies of Lauenburg, Holstein, and Schleswig, is now the agitated question. The people thereof, so far as they are German, demand the Duke of Augustenburg for their ruler. Austria and Prussia to-day, apparently in full accord, would consent to that if the duke would agree to the conditions they desire, viz: that Kiel shall become a federal harbor, and Rendsburg a federal fortress, occupied by the troops of the Bund, and that the troops of the duchies shall be incorporated into the army of Prussia; or, in other words, the duke can have the powers of a viceroy, if he will consent. The question of the succession is to be decided by the Diet, and Prussia and Austria, in accord, may delay that decision to suit their own designs and purposes; in the mean time remaining in the occupation of and administering the duchies. Without the concessions that I have mentioned, Herr Von Bismarck does not intend to set up a government in the duchies until absolutely compelled to do so. Where the influence is to come from that will induce or compel him to yield possession is not apparent now.

The rumors about an alliance entered into by the sovereigns of the three great northern powers at their late interview, continue, although semi-official journals here and in Vienna have contradicted them.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

[Extract.]

No. 21.]

UNITED STATES LEGATION,
Berlin, July 13, 1864.

SIR: *

Since the capture of the island of Alsen by the Prussians, no news of any importance has been received from the seat of war. This, to a large extent, is the result of the stringent measures the government has taken to keep all military and naval operations from becoming known, by publications and descriptions thereof, before they are executed. Neither the telegraph nor the public journals are permitted to give information on the subject, and the public learns nothing, except what is given them through short official bulletins which appear daily in the "*Staanzeiger*," the "*Moniteur*" of Prussia. Operations looking to the capture of the island of Funen are progressing, and it is clear that the Danes are no longer in a condition to offer any material resistance to the German powers. Even at Copenhagen this conviction seems now prevailing, and it is this which has induced King Christian to dismiss the Mourad ministry identified with the incorporation of Schleswig into Denmark, and the war, and to intrust Count Charles Moltke with the formation of a new ministry. The

selection of Count Moltke is a demonstration at once in behalf of peace, and against parliamentary government, he being a stout absolutist. It is this latter quality which recommends him to King William of Prussia, and his prime minister Herr Von Bismarck; and hence the ministerial change is hailed with great delight by the ministerial journals here. I believe his appointment comes too late. He will not be able to preserve the integrity of the Danish monarchy as it existed before the war. A final and total separation of the duchies from Denmark, and their reunion under a government and dynasty of their own will alone secure permanent peace. It is true there is some question as to whether the Duke of Augustenburg, or the Duke of Oldenburg is to become the ruler of the new state; but as the people in the duchies are for the former, he will most likely be recognized by the federal Diet, even against the wishes of Prussia who favors the latter. King William is still at Carlsbad. From there, on the 18th instant, he will proceed to Gastein to continue his cure; later in the summer, he will pass some weeks at Baden-Baden. Herr Von Bismarck remains with him during all his absence from Berlin.

Of the three vessels that was building at Bordeaux for the rebels, and which, with the consent of the French government, have been acquired by Prussia, one has already arrived at Bremerhafen. Her name was changed from "Yedo" to "Augusta," and she is now duly commissioned and armed and equipped as one of his Prussian Majesty's steam corvettes. This is the same vessel that, when the ship left Bordeaux, was believed to be destined, under the pirate Semmes, to become "Alabama No. 2." Now that the truth of her destination has become known, French and English sympathizers with rebel piracy are greatly chagrined. The two remaining vessels are to be delivered to Prussia so soon as completed. Besides these purchases, there is reason to believe the Prussian government has attempted to effect others in the United States, through Dr. Schleiden, the minister of the Hanseatic towns, in Washington. If any vessels have been bought in America for Bremen and Hamburg, the real party in the bargain are not they, but Prussia.

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I am, sir, your obedient servant,

H. KREISMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

[Extract.]

No. 22.]

UNITED STATES LEGATION,
Berlin, July 22, 1864.

SIR: Herr Von Thile, under-secretary of state, on behalf of the minister of foreign affairs, desires me to express to you the gratification of his government at the flattering terms in which you have alluded to the high esteem and respect in which his Prussian Majesty's minister at Washington, Baron Von Gerolt, is held, not only by the President, but by the people of the United States. The baron has arrived in Europe, by the steamer Hansa, but has not yet visited Berlin. When he does so, I shall not fail to wait upon him and offer him my services and attention to any extent he may feel pleased to accept them.

Herr Von Bismarck is still absent from Berlin; but while his sovereign, King William, has proceeded to Gastein, in the Tyrol, he has gone to Vienna to attend in person the conference now held there between Austria and Prussia and Den-

mark, to settle the preliminaries and agree upon terms of peace. Hostilities were suspended, and the blockade of the Prussian ports raised on the 20th instant, to continue until the end of the month, by which time it is expected that arrangements will have been made between Herr Von Bismarck, Count Rechberg, and the Danish representative, Herr Von Quaade, for an armistice, with an accepted basis for peace. So far as Prussia is concerned, Herr Von Bismarck will agree to nothing short of a total and absolute surrender of the three duchies, Schleswig, Holstein, and Lauenburg, by the Danish crown; and there is no doubt that Austria will sustain that demand. Moreover, Prussia and Austria will allow the federal Diet no share or participation in arranging the terms and concluding peace. The duchies must be surrendered to them; and they will remain in Schleswig until the question as to who shall be designated as ruler shall have been settled to their satisfaction. And so it may yet appear that it was much easier to conquer and defeat Denmark than to agree upon a final disposition of the conquered territory among themselves.

The public journals here lately reported that two confederate officers, by special permission of the King, were at the Prussian headquarters in Jutland, where they were receiving great attention. I took upon myself to make inquiries into the truth of the report at the Foreign Office, and ascertained that it was not so. The following broad denial has appeared in the official *Staats Anzeiger*:

"The *Vossische Zeitung*, of the 12th instant, reports from Flensburg, July 10, that two officers of the confederate army were staying at the headquarters of the allies at Apemad by permission of his Majesty the King. This report is entirely unfounded. No officers of that army have arrived there. Nor could an application for permission to remain at the headquarters of the allies have received his Majesty's assent, since the confederate governments of the North American Union have not been recognized by Prussia as independent states."

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I am, sir, your obedient servant,

H. KREISMANN.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Kreismann to Mr. Seward.

No. 23.]

UNITED STATES LEGATION,
Berlin, July 30, 1864.

SIR: The suspension of hostilities between the German powers and Denmark, which was to have terminated on the 31st instant, has been extended until the 3d of August next. The Danish plenipotentiaries are reported to have still insisted on a division of Schleswig, and but for this extension the Vienna conference, like that of London, would have ended in failure. Prussia very reluctantly consented to the postponement, and the King of Denmark must yield to Herr Von Bismarck's terms, or else the war after August 3 will break out anew.

Some excesses between Saxon and Hanoverian soldiers on the one side, and Prussian on the other, having occurred at Rendsburg, orders were given by the Prussian commander-in-chief for a brigade of Prussians, 6,000 strong, to occupy that place. The federal commander, to avoid a conflict and bloodshed, withdrew his troops under protest, and so the Prussians remain in possession of the key to the entire duchy of Holstein. Of course, this coup de main has created great excitement in all the smaller states of Germany, and the feeling of hostility towards Prussia is intense. Austria, too, seems to have disapproved of this proceeding of her ally, from the fact that Herr Von Bismarck has caused

the Prussian minister at the Frankfort Diet, which body likewise had issued a protest, to declare that the occupation was a purely military measure, which by no means involved a withdrawal of the troops of the federal execution; and this being so, that there were no good reasons why these troops should not return. It is likely that the affair will be compromised, but the end of difficulties is by no means yet.

The under secretary of state of the Foreign Office, Herr Von Thile, has received leave of absence, and his place has been assumed by Herr Von Balan, late Prussian minister at Copenhagen and delegate to the London conference. The King will be absent from Berlin until the end of August, and before returning will proceed to Vienna, to pay a visit to the Emperor of Austria. All the "chefs," too, of the various foreign missions here are now absent.

Late events at home have given occasion to Herr Von Bismarck's semi-official organ, "The Nord Deutsche Allgemeine Zeitung," to display great sympathy and partiality for the rebel cause, and in its zealous wishes for the downfall of republican government, and the further establishment of monarchical institutions on the American continent, it indulges in the grossest misrepresentations regarding our armies and finances. I have so far refrained from making any reclamations at the ministry of foreign affairs against its infamous and slanderous course, but I deem it my duty to take notice of and communicate the facts to you. The relations of the journal in question to Herr Von Bismarck are such that I feel quite justified in believing that in these aspersions to our cause it reflects his sentiments. I await your directions whether or not, in case of a continuance, I am to bring the matter to the notice of the Foreign Office and ask for explanations.

A grossly false statement, with the view of discouraging emigration, concerning the bill then pending in Congress, on the subject of encouraging immigration, having appeared in a German illustrated paper of immense circulation, published at Leipzig, to the effect that the measure proposed by you was but a recruiting contrivance, and coupling with this falsehood others as to our taxes and national debt, I sent the article to Mr. Mothershead, our consul, requesting him to cause the editor of that paper to correct his misstatements. Mr. Mothershead promptly did so, and the correction was published. I have also made arrangements that all such papers as copied the original article shall print the correction. In connexion with this subject, I beg you will cause a number of copies of the act encouraging immigration, as finally passed, to be forwarded to this legation as early as convenient. I will translate it into German and get it inserted in as many journals as possible.

I am, sir, your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

No. 26.]

• UNITED STATES LEGATION,
Berlin, August 23, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch No. 11, dated July 28, 1864.

Another of the three vessels built at Bordeaux for the insurgents, but now transferred to Prussia, the *Victoria*, a steam corvette, the mate to the *Augusta*, late *Yedo*, has been completed, and her speedy arrival at Cuxhafen, Hamburg, where she is to receive her armament and crew, is looked for by the Prussian

authorities. The third, a steam frigate of powerful dimensions, I am informed, will likewise soon be completed, and will constitute the pride of the Prussian navy. I will duly advise you when she shall have been delivered, by Mr. Armann, the builder, to the Prussian government.

The Schleswig-Holstein question, since the close of the Vienna conference, where the preliminaries of peace were settled, continues the topic of interest in diplomatic and political circles. The actual meeting of the plenipotentiaries to arrange the terms of a final peace has not yet taken place, but is expected to occur this week. Herr Von Bismarck, who desires to add to the triumph he has so far achieved the greatest of all, that of transferring the whole or part of the duchies to Prussia, is manifestly endeavoring to delay and postpone a final settlement of the question of succession. Meanwhile the minor German states are clamorous against Prussian aggression and the like; but as long as Austria follows the lead of Herr Von Bismarck their outcries will avail them nothing. It is expected, however, that during the visit of King William at Vienna, where he arrived on Saturday and remains until to-day, an intermistic government of the duchies will be arranged in the shape of a board of commissioners, one from Prussia, one from Austria, and, as a concession and peace-offering to the smaller states, one from the federal Diet. As yet nothing has transpired as to the result of the interview of the two sovereigns. Herr Von Bismarck, of course, is with the King at Vienna, and will from there accompany him to Baden-Baden, where he goes before returning here to pay a visit to the Queen. Present arrangements fix the King's return for the first week in September.

I am, sir, your obedient servant,

H. KREISMANN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

[Extract.]

No. 28.]

UNITED STATES LEGATION,
Berlin, August 27, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch No. 12, dated August 8, 1864.

The ceremonial letter from the President to his Prussian Majesty accompanying it, pursuant to your directions, has been communicated in the customary manner.

The steam corvette *Victoria*, whose origin and acquisition by the Prussian government I have informed you of, has arrived from Bordeaux at Cuxhaven, Hamburg. It is also ascertained now that the Prussian government have purchased two steam advice boats (*avisos*) in the United States, and their arrival is daily looked for.

The Prussian naval force is, therefore, now constituted as follows: 8 steam corvettes, with 2,400 horse-power, and 158 guns; 1 steam ram, building at Bordeaux, but about ready to sail, and originally intended for the rebels; 4 screw *avisos*; 19 gunboats, 5 of them of 100 horse-power, and 3 guns each, and the remainder of 80 horse-power, and 2 guns each; and 1 turret ship, ordered in England, but not yet completed.

King William has left Vienna, and has proceeded to pay a visit to the King of Bavaria. What arrangements, if any, regarding the duchies, have been determined on between their Prussian and Austrian Majesties, have not yet trans-

pired. Semi-official organs, both here and at Vienna, intimate that a perfect and satisfactory understanding was arrived at. It is believed that the chances of the Duke of Oldenburg to the succession in Schleswig-Holstein are improving. In that event, and most probably in any event, Lauenburg will go to Prussia.

The sittings of the plenipotentiaries to arrange and settle the details of the treaty of peace, at Vienna, have commenced. Their labors will not speedily terminate. The settlement of the question of boundary and finance will prove a matter of great difficulty. Meanwhile Prussia is greatly reducing her force in the duchies. In the early part of September Prince Frederick Charles, commander-in-chief of the allied armies, will return to Berlin with the regiments of guards, amounting to about 12,000 men, and his arrival is to be made the occasion for a grand pageant and display. * * * *

I am, sir, your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Kreismann to Mr. Seward.

No. 29.]

UNITED STATES LEGATION,
Berlin, September 7, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 13 and 14, dated August 12 and 20, 1864, respectively. Your directions regarding the language of ministerial organs towards the United States are duly noted.

In politics here everything is quiet, but the question of re-establishment of the German Zollverein on the basis of the treaty entered into with France, and the future commercial relations of Austria towards the Zollverein thus reconstituted, largely occupy the public. I intend to furnish the department, for publication in the annual volume on the commercial relations of the United States, a full and detailed account of all these questions, together with a statement of the commerce of Prussia, and the state of the Zollverein, as well as of the new tariff adopted, and hence refrain from enlarging upon the matter here.

The peace conference at Vienna makes slow progress, and apprehensions lest it separate without result are arising. I deem them unfounded. Denmark, weakened and forsaken by France and England, is at the mercy of her two conquerors, and must do their biddings. * * * *

I am, sir, your obedient servant,

H. KREISMANN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

No. 71.]

LEGATION OF THE UNITED STATES,
Berlin, September 28, 1864.

SIR: The affairs of the legation during my absence for the summer have been conducted by Mr. Kreismann with his usual care, promptness, and ability.

Baron Gerolt has been in Berlin for the last ten days. His enthusiasm for our cause, his thorough knowledge of our public affairs, and of the origin of

the rebellion, together with his firm conviction of the ultimate triumph of the government, have had a most favorable and beneficial influence in government circles here. His position has enabled him to talk freely to the king, queen, and crown prince, as well as to the circles, mostly military, that surround them. His influence, however, has not been confined to that circle, but has reached other influential personages. I feel that the baron is entitled to our earnest thanks for his earnestness and untiring zeal in presenting the facts connected with our struggle, and the conviction which he has impressed upon others of the ultimate and not far distant triumph of the cause of the government.

The campaign of the past summer shows conclusively that the end of the rebellion is visible, and your advice to the people at Auburn, "to have their souls in patience," embraces the whole philosophy of the position, and, if acted upon, will relieve the government of the pressure of increasing impatience. The brilliant termination of Sherman's long and arduous campaign, the old admiral lashed to the topmast, fighting his splendid battles at Mobile, and Grant's almost daily pounding of Lee, ought to satisfy the most unreasoning; and my belief is, that you have passed the lowest ebb, both in military events and of the public depression; and that the only harbor of safety—a complete and undivided Union—is before you.

The peace negotiation between the allies and Denmark "drags its slow length along"—a situation which quite pleases Herr Von Bismarck, always provided there is no final rupture between Prussia and Austria. Bismarck expects to acquire title; and if not title, at any rate a strong interest in the duchies by occupation. The people of the duchies feel to-day that they have changed "king log for king stork." They are allowed no more voice in the settlement of their own fate and destiny than any other conquered country is allowed. This may change, but at present such is their position.

King William again leaves Berlin to-day to be present at the queen's birthday, at Baden-Baden. He will be absent ten days, and, as usual, is accompanied by his prime minister.

Crown Princess Victoria has given birth to a prince, of which happy event you will, no doubt, be duly advised by a ceremonial letter of his Majesty to the President.

I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Judd to Mr. Seward.

[Extract.]

No. 72.]

LEGATION OF THE UNITED STATES,
Berlin, October 5, 1864.

SIR: * * * * * * * *

The Zollverein treaty of the German states, of which Prussia is the head, expires by limitation in 1865. Three years ago a commercial treaty was negotiated between Prussia and France, a copy of which I have heretofore forwarded to the department. That treaty was intended as the basis for the renewal of the Zollverein treaty between the German states. Through the influence of Austria, with some of the states of the Zollverein, negotiations for the renewal of that league, on the basis of the French treaty, were delayed and postponed, until it became a necessity for Prussia to announce that on the first of October the Zollverein treaty would be definitely closed with all those states

who chose to become parties to it. Bavaria, Wurttemberg, Nassau, and Hesse Darmstadt had refused, up to the very last moment, to accede to the treaty. The prospect of being excluded from the benefit of a new Zollverein aroused the commercial and manufacturing interests in those states to such a degree that economical and material interests prevailed as against political sympathies and affiliations, and, by the first instant, all of these states had given in their adhesion, and a conference is now sitting here, in Berlin, to close up and ratify the new Zollverein treaty for another period of twelve years from January 1, 1866.

When the conference shall have completed its labors, the final ratifications will be exchanged between France and Prussia for itself, and on behalf of the other Zollverein states, an event which will note a great triumph of Prussian diplomacy and influence in Germany.

When all the ratifications are exchanged, I will forward to the department copies of the new treaties, and the schedule and tariffs established thereby.

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I am, sir, your obedient servant,

N. B. JUDD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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BELGIUM.

Mr. Seward to Mr. Sanford.

No. 118.]

DEPARTMENT OF STATE,

Washington, October 5, 1863.

SIR: Your despatch of the 10th ultimo, No. 148, announcing the election of M. Rogier, has been received. His conduct of affairs has been so just and fair to us that we may be allowed to express satisfaction with the results of an election, which leaves him in a position, no doubt, as beneficial to his country as it is agreeable to us.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

DEPARTMENT OF STATE,

Washington, November 9, 1863.

SIR: I have your note of the 15th of October, giving an account of a conversation with the French minister for foreign affairs.

I am sorry to perceive in his remarks no evidence of a consideration that indifference to the struggle going on between this government and the insurgents is infidelity towards the United States. Mr. Drouyn de l'Huys seems to suppose that this country will ultimately recognize as friendly towards itself even the concessions which are made to the insurgents, because the insurgents, not less than the loyal men, are citizens of the United States. He falls into the error of our northern apologists of the insurrection—that is, of supposing that when the Union is restored the south will regain and wield their former political influence. On the contrary, it is clearly enough to be perceived now that the division between north and south will disappear in this war, and that the loyalty of the whole country will be homogeneous in the sentiments which are now maintained by the government. I cannot but desire that France may, at the end of the struggle, hold in relation to the United States the position she held when the war began. Perhaps you may have another opportunity to follow up the conversation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 122.]

DEPARTMENT OF STATE,

Washington, November 30, 1863.

SIR: Your despatch No. 157, dated November 10, has been received.

His Majesty's reception, on the occasion of the late opening of the legislative session, both without and within the chambers, was a gratifying expression of the affection felt by a loyal people towards a wise, kind, and liberal monarch.

The King's discourse, though mainly devoted to internal affairs, is interesting, and gives evidence of the continued prosperity of Belgium.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 125.]

DEPARTMENT OF STATE,

Washington, December 17, 1863.

SIR: Your despatch of the 19th of November, No. 161, has been received. It is accompanied by information that Great Britain, after deliberate consideration, has declined to enter the congress proposed by the Emperor of the French. The President sincerely hopes that the apprehensions of war in Europe, that attend the agitation of the Emperor's suggestion, may not be realized. If the great maritime powers could now see the expediency of revoking their recognition of the American insurgents as a naval belligerent, they would hasten the return of peace in this hemisphere. If they themselves are going to engage in war in their own hemisphere, I think they will soon find occasion to regret the positions they have assumed in regard to the civil war which distresses the American continent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

DEPARTMENT OF STATE,

Washington, July 16, 1864.

MY DEAR SIR: I thank you for your note of the 27th of June. I think M. Thiers is right. Our enemies in Europe want us divided, and thus destroyed. They will not by intervention drive us into closer union and increased vigor.

I am, my dear sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 134.]

DEPARTMENT OF STATE,

Washington, July 16, 1864.

SIR: Your despatch of June 28, No. 195, has been received, and your proceedings therein related are approved. I feel an assurance that our interests in Europe will derive much benefit from your return to your post. Your despatch gives me my first information of the arrival of the Niagara at Antwerp. I hope soon to hear of the Iroquois in European waters. If our diplomatic and consular agents shall keep the naval commanders well advised of the movements

of the pirates, I shall hope that, though we may not all at once rescue our commerce, we shall at least save ourselves effectually from foreign interference in our affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels*.

Mr. Seward to Mr. Sanford.

No. 135.]

DEPARTMENT OF STATE,

Washington, July 28, 1864.

SIR: Your despatch of July 14, No. 202, has been received. The political occurrences which, under ordinary circumstances, would be inconsequential, assume significance at this moment, when the balance of power on the continent is seriously disturbed. I hope that the withdrawal of members from the lower house of the legislature in Belgium, so as to prevent a quorum, and defeat the administration, forebodes nothing more than a resort to a constitutional election.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels*.

Mr. Seward to Mr. Sanford.

No. 136.]

DEPARTMENT OF STATE,

Washington, July 28, 1864.

SIR: I have received your despatch of July 14, No. 203, which announces the arrival of the *Niagara* at Antwerp, and her early departure from that port on a cruise for the Florida. That pirate, when last heard from, was capturing unarmed vessels near our coast. The vessels which we sent out in chase have, thus far, failed to find her.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels*.

Mr. Seward to Mr. Sanford.

No. 137.]

DEPARTMENT OF STATE,

Washington, July 29, 1864.

SIR: I have your private note of the 15th of July, which, I see, is tinged with a dark hue of apprehension. With my present convictions I cannot think that any adjustment between Denmark and Germany will increase our exposure to European assaults against our independence. On the contrary, I think whatever arrangement is made, there will be new jealousies among all the principal maritime powers. The disturbances of this year adjourned to another will excite more anxiety than any present outbreak would.

I think, however, that parties in both Great Britain and France will be glad to leave foreign questions, for a time, to engage in domestic agitation. Of course, we may have disasters here, although we are not looking for them. War is war; and this is only another name for uncertainty and vicissitude. But, in any case,

we are so well prepared for foreign intervention now, that I do not think we need to be disturbed by apprehensions of it. If I do not mistake, all the high rebel expectations of becoming a naval belligerent through the protection of Great Britain and France have collapsed.

I am not able to see how the insurrection could stand six months, even if we should not give it another effective blow.

Gold is falling; our stocks are rising; and our exports increasing now. These circumstances seem to indicate that the systematic inflation of rebel expectations which has been kept up in Europe since the opening of the campaign has failed of effect.

I will tell Mr. Fessenden what you say about smuggling, and the means of preventing it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 140.]

DEPARTMENT OF STATE,

Washington, August 8, 1864.

SIR: I submitted to the Secretary of the Navy your despatch No. 200, marked *confidential*, in which you suggest the feasibility of enlisting foreigners in Belgium for our naval service. In returning the despatch to this department he states that "the proposed measure is both inexpedient and unnecessary, as we are now receiving recruits in abundance."

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 142.]

DEPARTMENT OF STATE,

Washington, August 25, 1864.

SIR: Your despatches from No. 204, of the 21st ultimo, to No. 208, of the 29th ultimo, inclusive, have been received. I thank you for the interesting information communicated in your No. 205, relative to the movements of his Belgian Majesty. Your No. 206 was, on its receipt, submitted to the perusal of the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 143.]

DEPARTMENT OF STATE,

Washington, August 26, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of August 12, No. 209, and it gives me much pleasure to learn that the elections which

necessarily followed a legislative crisis have been conducted with good order, and that the results are deemed auspicious to the stability and welfare of the kingdom.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

No. 145.]

DEPARTMENT OF STATE,

Washington, September 10, 1864.

SIR: Our consul at Halifax has informed this department that Major Walker, late insurgent agent at Bermuda, who was for several days in Halifax, took the last steamer preceding that of the 23d ultimo for England, and that his visit thither is for the purpose of attending to shipments of cotton of the insurgents sent out to liquidate the cotton loan. He also goes out to use his best endeavors to fit out in England another war vessel for the insurgents. You will, therefore, watch his movements, and endeavor to frustrate any designs hostile to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

DEPARTMENT OF STATE,

Washington, September 17, 1864.

SIR: I acknowledge the receipt of your private note of the 19th of August, which, as I perceive, was written under the influence of wearisome waiting for good news.

Well, before this time you have been relieved. Admiral Farragut has demonstrated the national strength and energy at Mobile. Sherman has consummated his campaign, and established the power of the Union, if not its authority, in Georgia. The political intrigues at Niagara have exploded at Chicago, to the undoubted edification of the whole people of the United States. The reinforcement of the armies is all that is desired. Peace is certainly three years and three months nearer than it was when the war began, and political movements on both sides of the line indicate a rational conviction that peace must come soon as a fruit of the sacrifices already made, and that when it shall have come it will be attended by the firm re-establishment of the Union.

I think revolution is looming up in Europe everywhere, but it will not come up this year.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., *Brussels.*

Mr. F. W. Seward to Mr. Sanford.

No. 148.]

DEPARTMENT OF STATE,

Washington, September 26, 1864.

SIR: I thank you for your interesting despatch of the 7th of September, No. 214.

The wisdom of allowing Belgian subjects to take military service against the republic of Mexico is the question which seems to be discussed in the Belgian legislature.

One important point was omitted, namely, how long the fidelity of a foreign legion employed in America in such a cause can be depended upon. It will be seen, I think, in the end, that European soldiers coming hither ultimately become American republicans.

I am, sir, your obedient servant,

F. W. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*

Mr. Seward to Mr. Sanford.

DEPARTMENT OF STATE,

Washington, October 4, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 15th of September, No. 215, which mentions a probability that a special and extraordinary mission will be sent by the Belgian government to the so-called Imperial government in Mexico. I have also received your private note, which mentions that Mr. Blondeel von Cuelebroeck, now minister plenipotentiary here, will likely be appointed to fill that extraordinary mission.

This government can have no right to question such a proceeding by the Belgian government, but it is easy to perceive that if the representative of Belgium shall be sent to Mexico to recognize a foreign imperial revolutionary government there, while the United States remain in treaty relations with the native republican government still existing in Mexico, and if that representative should, immediately after performing that function, be returned to the United States to renew his mission here, the transaction would then be liable to popular misapprehension, which, even though it should not impair his usefulness, might at least render his residence less agreeable than it is to be desired.

You may verbally and unofficially suggest these considerations to Mr. Rogier for his reflection.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c.,
Brussels.

Mr. Seward to Mr. Sanford.

No. 151.]

DEPARTMENT OF STATE,

Washington, November 19, 1864.

SIR: Your despatch of the 3d instant, No. 225, has been received. The report by the minister of finance which accompanies it, and which gives a statement of the commerce of Belgium with foreign countries, the features of which are presented in your despatch, affords gratifying evidence of the steadily increasing prosperity of Belgium. I have submitted your despatch and its accompaniments for perusal to the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY L. SANFORD, Esq., &c., &c., &c.,
Brussels.

Mr. Sanford to Mr. Seward.

No. 161.]

LEGATION OF THE UNITED STATES,

Brussels, November 19, 1863.

SIR: I have reason to believe that Belgium will accept the invitation of the Emperor of the French to take part in the proposed congress of European powers, but will probably wait upon the action of the majority of the other powers before giving in its adhesion. It is a position of some embarrassment to conciliate the *role* of a neutral power with participation in such a congress, and the recognition of Victor Emanuel as king of Italy by this government, when other European powers had refused, would seem to have been construed as an abandonment in fact, if not in theory, of the position of neutrality.

The announcement in the Emperor's discourse from the throne, that the treaties of Vienna had ceased to exist, seems to have excited susceptibilities on the part of other powers, which have caused further explanations to be made, modifying very materially its bearing as applied to other states.

A circular to this effect has, I am informed, been received here to-day at the French legation.

Italy, Spain, Portugal, Rome, Wurtemberg, and Saxony seem to be, thus far, the only powers which have adhered to the proposition for a congress. That the principle will be generally accepted, but that the difficulty will be to come to an agreement as to its functions, seems to be the general opinion here in political circles; and also, that if the congress only meets, that fact, as annulling, *ipso facto*, the outlawry of the Bonapartes by the congress of Vienna, will be a great gain for the Napoleonic dynasty.

This subject naturally excites great attention, solicitude, even, here, as a symptom of, if not a remedy for, the gravity of the political situation in Europe.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 163.]

LEGATION OF THE UNITED STATES,

Brussels, November 23, 1863.

SIR: I learn that the reply of the King to the invitation of Napoleon III. touching the European congress, was despatched on the 21st instant to be delivered on yesterday to the Emperor. I have reason to believe that it expresses his willingness to unite with other powers for an object so meritorious as that indicated—the assurance of European peace. It would seem, at this moment, that the Netherlands and Turkey are the only two powers that have not replied, and in accepting the *principle* of a congress, there seems to be no doubt as to their replies. It is very much to be doubted, however, whether there will be the same unanimity when the questions for the decision of the congress shall come to be decided upon, and, indeed, I think there is good reason to imagine that the preliminary conference for that purpose will be the extent to which the scheme of a congress will be realized. It will, in any event, have served its purpose *vis a vis* to the French Chambers and people. The complications with respect to Schleswig-Holstein, which have been aggravated by the death of the King of Denmark, have come very opportunely in aid of the proposition for a congress, and give an apt reply to the objections raised against it.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 174.]

LEGATION OF THE UNITED STATES,
Brussels, January 7, 1864.

SIR: I have the honor to enclose, as of interest in connexion with American art, a copy of a letter of the minister of the interior in recognition of the appearance at the late annual Art Exhibition of Belgium of several works of merit by our countrymen. I also transmit copy of my reply.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Translation.]

BRUSSELS, *December 31, 1863.*

SIR: Amid the rewards and honorary distinctions awarded at the close of the general exhibition of fine arts of 1863 are six which have fallen to French artists, three to German artists, and two to artists of the Netherlands.

If it was not accorded to the government of the King to have the satisfaction of being able to include in this distribution one or two of those of your national artists who took part in the exhibition, it is not because the very real merit of their works was not fully appreciated.

It is to be regretted that the jury on rewards, in derogation of constant usage, abstained this time from addressing to the government a report containing a methodical and deliberate review of the whole exhibition, for, in the other case, it would have been a duty, according to assurances given to me on the subject, to have pointed out in this work, which would have received official publicity, the important significance which we were gratified to recognize in those productions at the exhibition forming the contingent from the artists of the North American United States.

I am glad that I may hope, sir, that, thanks to your kind offices, your national artists will continue by the concurrence of their talents to heighten the brilliancy and interests of our great public exhibitions of the fine arts; they will there always meet with a sympathetic reception and just appreciation.

I embrace with eagerness this occasion to offer to you the personal assurance of my sentiments of high consideration.

ALP VAN DEN PEEREBOOM,
Minister of the Interior.

MR. SANFORD,
Minister Resident of the U. S. of North America, Brussels.

Mr. Sanford to Mr. Van den Peereboom.

[Translation.]

LEGATION OF THE UNITED STATES,
Brussels, January 7, 1864.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of the letter of your excellency under date of 31st ultimo.

I am happy to learn that the first appearance of works of American artists in a Belgian art exhibition has attracted the enlightened attention of your excellency, and of Belgian connoisseurs, and that under other circumstances an appreciation would have been evidenced in a more marked manner.

These relations of art cannot but be a means of drawing more closely the

bonds of friendship between the two countries, and, on my side, I shall be happy to contribute to them so far as lies in my power, being moreover convinced, by the commencement of an experiment of this year, that my countrymen may without apprehension take a place in the art exhibitions of Belgium.

I have the honor to be, &c.,

H. S. SANFORD.

Mr. Sanford to Mr. Seward.

No. 176.]

LEGATION OF THE UNITED STATES,

Brussels, January 7, 1864.

SIR: The usual official reception by the King on the 1st of January, which for the past two years had been suspended on account of his sickness, did not take place this year, and, owing to slight indisposition, the King did not appear at the ball given at the palace yesterday. I have nothing, therefore, to report in this connexion.

Since my last despatch the house of representatives, after annulling the election at Bruges and providing for the levying of taxes for the coming year, adjourned over the holidays. Since coming together again on the 5th instant it has been occupied with the discussion of the "projet" of address in reply to the discourse of the King on opening the legislative session. The debates are characterized by a good deal of acrimony. The political divisions of the country seem to become more and more sharply marked; and party spirit, as this divergence increases, to become more engendered.

The new elections at Bruges take place on the 12th; should, as it is possible, the conservative party carry them, the cabinet will be left in a majority of two, will hardly be able to carry on the government, and will probably resign.

The conservative party, as such, could not form a cabinet capable of sustaining itself. Under these circumstances, and in the event of the resignation of those now in power, a "business" cabinet would probably be formed, if a certain number of the liberal party could be found to support it, (which, with the present bitterness of feeling between the parties, I think not very likely,) or Parliament would be dissolved and recourse had to new elections.

The message of the President has been very favorably received by the press and the public generally. The evidences of strength, public confidence, credit, and a resolution to put down, at any cost, the rebellion, which the message and accompanying documents furnish, seem to shake the faith of those heretofore the most incredulous as to the ultimate restoration of the authority of the government over the whole territory of the United States.

The change in public sentiment within the past five weeks with regard to the war, and its final result, has been as satisfactory as it has been great. The cause of the rebellion seems to be considered as hopeless, even by that class whose interests or whose instincts have caused them to sympathize with it; and to the reproach which remained of seeking the subjugation or extermination of those in arms against the government, has come, very opportunely in reply, the proclamation of the President. I regret not to have had the opportunity, on the new year, to have learned the views of the King on this subject. You will remember the hope expressed to me by his Majesty, in conversation the past summer, that the occasion would be afforded to the people in rebellion to come back to their allegiance through concessions which should give them a means of return short of compulsion at the point of the sword or humiliating exactions. I count upon having an opportunity of conversation with his Majesty on this subject at an early day.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD, *Secretary of State, &c., &c., &c.*

Mr. Sanford to Mr. Seward.

No. 177.]

LEGATION OF THE UNITED STATES,
Brussels, January 14, 1864.

SIR: I have the honor to enclose herewith some data I have collected with regard to the recruiting system in this country, and with especial reference to cases of exemptions, as likely to be of use at this moment when our law on the subject is being revised.

I have thought that, in this connexion, some details touching the systems of France and Prussia, and their workings, would not be without interest and perhaps value, and have accordingly included them in the accompanying paper.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

SYSTEM OF RECRUITING IN BELGIUM.

The present legislation on the military service in Belgium, which is based on the law of the 8th January, 1817, consists in no less than twelve laws, besides numerous royal decrees and a large number of administrative regulations. The consequence is that it is far from being as clear as might be desired, and meets with great difficulties in its application.

On the other hand, reforms having been loudly called for, the government, after taking the opinion of a special committee, has brought forward a bill, of which a copy is herewith annexed, revising the laws relative to military service. In this bill the existing fundamental principles have been maintained, a long experience having proved their superiority over all other systems recommended.

In summing up the provisions of the law now in vigor, the alterations introduced by the bill referred to will be vindicated.

The Belgian army is recruited by drafts and voluntary enlistments; it consists—

1st. Of the effective force maintained under arms.

2d. Of the men who are left at or sent home on furlough.

By the terms of article 119 of the constitution the contingent of the army is voted annually by the Chambers; the law which regulates it is in force for one year only.*

The contingent of the army is fixed at 80,000 men, but the effective force at present, as stated in the budget, amounts only to 35,000 men, 11,000 of whom are volunteers and 24,000 conscripts. They early contingent of the levy has been fixed for upwards of twenty years at a maximum of 10,000 men.†

The contingent is furnished by drawing by lots from among all young men, Belgians, married or unmarried, who on the 1st of January of each year have attained their nineteenth year. All foreigners who have attained their naturalization before accomplishing their twenty-sixth year are subject to the

*The intention of Congress was to establish a force in proportion to the necessities of the country, to prevent the arbitrary exercise of power on the part of the administration, and to avoid the danger to which a numerous army in time of peace might give rise.

†Had the contingent of the army followed the same progressive increase as the population it would now amount to 12,200 men. The population of Belgium, which in 1836 amounted to 3,785,814 inhabitants, was in 1859 4,623,089.

draft, and also all foreigners who, born in Belgium of foreign parents, claim the quality of Belgians according to art. 13 of the "code civil."*

The annual levy is distributed among the provinces and communes in proportion to the number of men inscribed for the levy, deduction being made of those who are in the service as volunteers.†

Every person has the right to furnish a substitute (*remplacant*) in lieu of service, or to exchange numbers with another on the same list (*substitut*) under conditions securing their respectability and fitness for service. The person furnishing a substitute is responsible for him during the whole time of service; he may, however, free himself from this responsibility on condition of paying into the treasury the sum of 150 florins. (§60.)‡

The term of service is eight years, but more than half that time is spent on furlough. Those in the infantry generally serve only two years and a half; in the artillery three or four years, and those in the cavalry four or five years.§

The number of young men inscribed each year for the draft is, on an average, about 44,000. After deducting the final and temporary exemptions, the figure of 44,000 is reduced to about 28,000; the exceptions granted, therefore, amount to about thirty-six per cent. of the yearly contingent.|| Belgium could, however, whilst respecting vested rights, put on foot every year about 30,000 young soldiers, i. e., three times the amount of levy made for more than twenty years past.

Exemptions.

Exemptions are temporary or definitive; they are physical defects¶ or family relations. Physical defects are decided upon by medical men, and exemptions granted on the production of documents signed by the burgomaster and two members of the common council. The letter of the law must be strictly held to with regard to exemptions; they can under no pretext be extended by analogy. Where parentage is a cause of exemption it must be legitimate.

Persons condemned to infamous punishment cannot be admitted into the army unless they have been legally rehabilitated.

Definitive exemptions are given to—

1st. Those who, having attained the age of twenty-two, are below one metre .570 millimetre in height.**

* The bill now before the Chambers proposes, moreover, to include in the draft foreigners born and settled in Belgium, or whose parents are settled there, and all other foreigners who having resided in Belgium for more than two years, have not completed their twenty-third year, and belong to a country where Belgians are liable to military service.

See page 18 of the annexed document for the motives given by the committee to justify the proposal.

† The same system prevails in France, except that the levy is distributed by cantons.

‡ The new bill has in some degree modified the enactments of the existing legislation in this respect.

§ The term of service is twenty years in Russia, ten years in Austria, seven years in France, six years in Bavaria, Saxony, the Duchy of Baden, and Wurtemberg, five years in Holland. In Prussia the length of service is only three years, and it is reduced to one year for those who equip and keep themselves at their own expense.

|| It will be seen by the annexed table (A) that the average of definitive exemption from the years 1859 to 1861 was eight per cent., and of temporary exemptions about twenty-eight per cent. of the number inscribed. The number of men supplied on the contingent for three years was, on an average, 8,785; the number of men furnished from previous levies 1,023, and that of those who did not present themselves 192.

¶ The disease and infirmities which give rise to the exemptions are enumerated in the royal decree of 19th January, 1851, a copy of which is hereunto annexed, (B.)

** This is one centimetre more than in France. The subjoined bill proposes to exempt, but only temporarily, those who are not one metre .565 millimetre in height; by this modification about 800 young men who are now exempted will be included in the annual contingent.

2d. Those who, by reason of deformity or incurable infirmity, are forever unfitted for military service.*

3d. Those who prove, by a regular and final discharge, that they have been released from the land or sea service on account of infirmities.

4th. The ministers of different religions.†

5th. The brothers of those who have accomplished their term of service, or who have been discharged for physical defects contracted in and by the service, or who have died in the service. This provision is not applicable to the case of "*substitution*."

6th. The brothers of those who, having furnished a substitute, have freed themselves from all responsibility on that head, or whose substitutes, having accomplished their term of service, have been discharged;‡ for bodily defects contracted in the performance of their duty, or who have died in the service.

7th. Volunteers who have served the term required by law.§

8th. Foreigners belonging to a country where Belgians are not liable to military service.

Temporary exemptions.

The following are exempted for one year :

1st. Those who have been condemned to an infamous punishment.||

2d. Those who are less than one metre .570 centimetre in height, and who are judged by the military board unfit for the transport service.||

3d. Those having temporary infirmities who are decided to be unfit to serve in the course of the year.|| Those subject to temporary diseases or infirmities are not exempted from the service, but they cannot be employed on active duty before they are perfectly cured. They are, nevertheless, placed at the disposal of the provincial commandant to be assigned to a military corps, and sent, if necessary, to the hospital for treatment.

4th. The only brother of him or those who are struck with palsy, blindness, total insanity, or infirmities presumed to be incurable.

5th. The only unmarried brother in a family, provided he lives with his father and mother, or the survivor of the two, if he provides for their support by his labors, and if that labor is indispensable thereto.

6th. Divinity students.|| They must present every year to the military board a certificate establishing that they are really students in divinity with the intention of following the clerical profession. Those who, after accomplishing their twenty-third year, have not embraced the clerical profession or taken orders are obliged to serve during five years or to furnish a substitute.

7th. Those who are serving in the land or sea forces, including the cadets of the military schools. The cadets who, before attaining the age of twenty-three, leave the service of their own free will and without having obtained the rank of officer, shall be, as in the case of students in divinity, who at that age have not

* See, for the designation of these infirmities, the royal decree of January 19, 1851, annexed hereto, (B.)

† It results from administrative interpretation, &c., that this enactment is at present applicable to the ministers of the six following religions: Roman Catholics, the Reformed Church, Lutherans, "Remonstrants," "Mennonites," and Israelites. The new bill proposes to exempt the ministers of every belief having a certain number of adherents.

‡ As mentioned above, the person replaced is responsible for his substitute, but he may free himself from this responsibility, after eighteen months, by paying into the *treasury* the sum of sixty dollars.

§ The new bill proposes to exempt definitely the volunteer or the brother of the volunteer who has accomplished at least five years' service.

|| See what has been said above on the subject and also the royal decree annexed.

¶ The new bill modifies this provision and extends it to persons who intend to embrace the career of teachers. See art. 23, Nos. 13 and 14.

taken orders, bound to serve on the same footing as the latter. The students attached to the large hospitals of the kingdom are included in the same group as those of the military schools.

8th. Seamen by profession who make long voyages, (*de long cours*.) those are considered such who have been engaged in that profession on board a merchant vessel, or a vessel fitted out for whale fishing during at least the two last years before being enrolled, and who are still engaged in it. This exemption ceases in case of a war; if they have not yet completed their twenty-third year they are liable to be immediately called into service.

9th. That son, or, in case of the death of the parents, that grandson of a widow, or of a woman legally separated, or divorced, or abandoned, four years, who provides by the work of his hands for the support of his mother or grandmother. This exemption does not obtain when the mother or grandmother is engaged in any trade or profession by means of which she can earn her living. This exemption only applies to one of the sons or grandsons.

10th. Widowers having one or several children, provided these children be not brought up in charitable establishments.

11th. Only children born in lawful wedlock, if they are the support of their parents, or the latter being deceased, of their grandfathers or grandmothers, in the manner and according to the provisions mentioned.

12th. The only son, who is at the same time an only child legitimate.

13th. That brother or half brother of orphans who has to provide for the sustenance of his brothers and sisters who have no means left for their own maintenance, provided there be no other exempted for the same motive.

14th. He whose only brother or half brother is, either in person or by replacing a substitute, in active service in the land or naval forces in a rank inferior to that of sub-lieutenant, or should have been drafted.

When the sons in a family are even numbers, only half are called to the service; when the number is odd, the uncalled for shall exceed by one the number of those called. Thus, should there be three sons in a family, only one is liable to serve; should there be five, two only, &c., &c.

15th. Persons under arrest, whose cases are pending before the courts and have not been decided before the opening of the fourth sitting of the military board.

16th. Those in prison for police offences whose term of imprisonment has not yet expired.

The brother of a substitute is not exempted.

The brother of him who exchanges a number with another is only exempted when the number which has been exchanged against a lower one shall have been called to service.

Article 24 of the bill on military service introduces a modification in the present legislation, it is as follows:

"In the cases provided for by the present law, the drafted soldier acquires, by the death of a member of his family, the same right to exemption as if the death had occurred before his designation for service.

"This provision does not apply to volunteers, substitutes, or refractory soldiers.

"The claim must be addressed to the governor of the province accompanied with vouchers.

"Should the claim be admitted by the permanent committee of the provincial council, the soldier is henceforth exempted from service."

This provision is important; in France motives for exemption are only admitted when they exist before the draft and mustering in.

B.

Royal decree of January 19, 1861.

SCHEDULES OF DISEASES AND INFIRMITIES WHICH CAN NOW CAUSE EXEMPTION FROM MILITARY SERVICE.

SCHEDULE I.

Diseases and infirmities admitting immediate or definitive exemption from the mere fact of their existence. (Law of January 8, 1817, art. 91, letter B:)

1. Total blindness, or loss of a single eye, or of its use, owing to another cause besides amaurosis.

N. B.—The medical man shall specify, as far as possible, for each case, the organic cause of the infirmity.

2. Total loss of the nose.

3. Hare lip; loss or want of a part of the roof of the palate.

4. General decay of the teeth; loss of the upper or lower cutting and eye teeth, or of all the grinders of both jaws.

5. Dumbness, owing to a defective formation of the tongue, or the loss of a part of that organ.

6. Loss of the whole or a great part of the ear.

7. Deafness, owing to the absence, obliteration, accidental or congenital, of the outward auricular passages.

8. Great deformities of the face, broad, livid, hairy, or hideous spots.

9. Very large goitre.

10. Herniæ.

11. Loss of penis or testicles.

12. Epispadias, hupospadias, situated in the middle or at the root of the penis; hermaphroditum.

13. Permanent retention of the testicle at the ring, or in the lower part, of the inguinal canal.

14. Artificial arms.

15. Loss of an arm, leg, foot, or hand, or incurable loss of the motion of these parts.

16. Thoroughly characterized atrophy of the limb.

17. Permanent contraction of the extensor, or bending muscles of a limb.

18. Aneurism of the arteries of the neck, or of the principal arterial trunk of the limb.

19. Spina ventosa, osteosarcoma, and other serious diseases of the bones.

20. Crookedness of the long bones, or rachitis, carried so far as to hinder the motion of the limb.

21. Decided lameness.

22. Total loss of forefinger of the right hand; total or partial loss of a thumb or great toe; of two fingers of the same hand, or two toes of the same foot; irremediable loss of the motion of the same parts.

23. Flat feet.

N. B.—Flattened feet not to be confounded with flat feet. The latter alone entitle to immediate and definitive exemption.

SCHEDULE II.

Diseases or infirmities which may give rise to definitive or temporary exemption. (Law of January 8, 1817, art. 91, letter B; art. 94, letter B B, § 1:)

1. Extensive injury to the skull.

2. Deformity to the nose to such extent as to render the aspect repulsive, or habitually to hinder breathing.

3. Caries of the bones of the nasal cavities, or of the roof of the palate; polypus of the nose.

4. Deformity of a jaw from loss of substance narosis, or any other cause capable of habitually hindering mastication.

5. Fistulæ of the maxillary sinus.

6. Difficulty of swallowing, proceeding from an habitual obstacle to the free passage of food.

7. Sarcocelus, hydrocelus, varicocelus, in so far as to impede locomotion, and other serious affection of the testicle, spermatic chords, or scrotum.

8. Deformities, or affection of the feet, hands, limbs, or other parts of the body, capable of rendering walking difficult, the handling of weapons difficult, or of preventing the carrying of the whole or part of the equipment. The superposition of the toes, so far as it can hinder walking; alopecia, bow-legs, or knock-knees, in excess, are also excluded.

9. Extensive adhering, tender scars, impeding the performance of movements.

10. Voluminous and multiplied varicose veins.

11. Weakness or deterioration of the constitution.

N. B.—Constitutional weakness entitles to postponement only.

SCHEDULE III.

Diseases, or infirmities, entitling to an exemption for one year, or to examination by the provincial commandant, in order that those suffering from them, or who petition on account of their existence, may be sent, if necessary, to the hospital. (Law of January 8, 1817, art. 94, letter B B, § 3:)

1. Amaurosis of both eyes, or of one eye.

2. Weakness of the visual faculty, permanent defects of the sight, preventing from sufficiently distinguishing objects, or in so far as is required by military service, such as short-sightedness, nyctalopia, hemeralopia, dylopia, presbytia.

N. B.—Those who can clearly distinguish objects near at hand with the help of short-sighted spectacles, bearing Nos. 2 and 3, or distant objects, with the help of spectacles No. 6, may be considered as short-sighted.

3. Chronic ophthalmia, frequent fluxions of the eyes, habitual diseases of the eyelids, or of the lachrymal conduits.

4. Fetid and obstinate ulcers of the nasal organs.

5. Salivary fistulas.

6. Habitually fetid breath.

7. Dumbness; permanent aphonia, owing to other causes than those mentioned in schedule I.

8. Permanent defects or affections of the organs of speech, of the voice, and hearing, carried so far as to hinder their functions.

9. Fetid runnings from the ear.

10. Pulmonary consumption, and other serious affections of the pectoral organs.

11. Internal aneurisms.

12. Dropsy of the abdomen, (ascitis;) swelling of the abdominal organs.

13. Vesical caculi, gravel, habitual incontinence or frequent retention of the urine, urinary fistula, and other diseases or injuries of the urinary conduits.

14. Voluminous or ulcerous hemorrhoids, abundant or habitual hemorrhoidal flux, incontinence of the fecal matter, prolapsa of the anus, habitual restriction of the anus, fistula of the anus.

15. Habitually offensive, whether partial or general, perspiration.

16. Inveterate cutaneous affection, congenital or acquired, scab, raw, damp and extensive tetter, obstinate itch, elphantasia.

17. Scorrhus, cancer, inveterate or bad ulcers.

18. Decided cacheta, scrofulous, scorbutic, or syphilitic condition.

19. Epilepsy, general or partial, convulsive movements, habitual tremor of the whole body or of a limb.

20. Mental derangement of any kind, insufficiency of the understanding.

Results of the levy for the years 1859 to 1861.

Description.	1859.	1860.	1861.	Average.
Whole number inscribed for the levy of the year.....	43,434	44,196	41,894	44,175
Contingent of the year.....	10,000	10,000	10,000	10,000
DEFINITIVE EXEMPTIONS.				
<i>Law of January 8, 1817.</i>				
Under size.....	11	4	3	6
Incurable deformities or infirmities.....	2,396	2,360	2,138	2,298
Definitively discharged on account of infirmities.....	10	9	3	7
Ministers of different religions.....				
<i>Law of April 27, 1820.</i>				
Brothers of those who had accomplished their time of service....	953	1,023	1,107	1,028
Brothers of those whose substitutes had accomplished their time of service.....	87	79	74	80
Brothers of those who died in the service.....	177	175	157	170
Brothers of those whose substitutes died in the service.....	27	28	31	29
Brothers of those who had been discharged for bodily defects contracted in the service.....	2	4	39	15
Brothers of those whose substitutes had been discharged for bodily defects contracted in service.....	3	2	1	2
Brothers of those who had paid the sum of 150 florins (\$60) for their substitutes.....	13	2	13	9
Volunteers having completed the time of service required by law.		1		
Foreigners belonging to a country in which Belgians are not liable to military service.....	11	14	12	12
TEMPORARY EXEMPTIONS FOR ONE YEAR.				
<i>Law of January 8, 1817.</i>				
Condemned to an infamous punishment.....	7	3	12	9
Under size.....	3,829	3,565	3,397	3,597
Sick or infirm.....	1,861	1,821	1,803	1,828
Only brothers of those who had incurable infirmities.....	15	9	8	11
Only and unmarried brothers dwelling with their fathers and mothers, and providing for their subsistence.....	43	49	41	44
Students in divinity.....	41	55	45	47
On the land or sea service.....	657	645	692	665
Pupils of the Military School.....	3	3	8	5
Seamen by profession, making long voyages.....	63	50	45	53
Widowers with one or several children.....				
Sons of widows or of wives legally separated, divorced, or abandoned, providing for the sustenance of their mothers.....	783	768	789	780
Brothers of orphans providing for the sustenance of brothers and sisters.....	30	31	31	31
Brothers of those serving in the national or in the land or sea forces.	3,463	3,427	3,300	3,397
Brothers of those who have furnished a substitute in actual service	432	524	534	497
Brothers of those who have changed numbers in the rolls in actual service.....	216	237	259	237
Prisoners under arrest.....	3	2	4	3
Those in prison for police offences.....	69	50	39	53
<i>Law of April 27, 1820.</i>				
Only sons of legitimate birth supporting their parents, or grand-fathers and grandmothers.....	208	201	177	195
Only sons of legitimate birth who are at the same time only children.....				
Brothers of those serving as substitutes.....	1,079	1,173	1,083	1,112
Total numbers exempted by law.....	16,492	16,319	15,845	16,219
Remaining inscribed on the list for the formation of the contingent.	26,942	27,877	29,049	27,956
MEN SUPPLIED.				
Incorporated "d'office".....				
Volunteers by the law of January 8, 1817.....				
Substitutes—"remplacants".....	1,263	1,192	1,269	1,241
Those who have changed numbers.....	1,078	1,323	1,289	1,230
Sent to hospital as being attacked by temporary diseases or infirmities, (law of 8th January, 1817, art. 94, 66).....				
Others liable to serve.....	6,072	6,479	6,389	6,313
Men who failed to appear on the contingent.....	8,413	8,994	8,949	8,782
	206	198	171	195

Results of the levy for the years 1859 to 1861—Continued.

Description.	1859.	1860.	1861.	Average.
<i>Those inscribed in the preceding levies called to form part of the contingent of the year.</i>				
Substitutes.....	71	30	10	37
Those who have exchanged their numbers in the rolls.....	180	58	72	103
Others liable to serve.....	1,098	647	699	815
When missing from the contingent.....	32	73	99	68
Sent back to hospital, &c.....				
	10,000	10,000	10,000	10,000

SYSTEM OF RECRUITING IN FRANCE.

The organization of the French army is based upon three distinct provisions of law:

1st. The law passed March 21, 1832, establishing the principle that every Frenchman is liable to respond to a call in defence of his country, and that none but Frenchmen are admissible into the army.*

2d. The law fixing annually the number of recruits to be levied.

3d. The annual appropriation act which fixes the number of men to be maintained in active service, and the number of those to be called for.

The French army is recruited by drafting, voluntary enlistments, and re-engagements of veteran soldiers, and is composed of—

1st. The effective force maintained under arms.

2d. The reserve, comprising the contingent not yet called in, and those who are sent home in anticipation of the expiration of their term of service.

The annual levies are raised by drafts; every Frenchman who has attained his twentieth year within the preceding twelve months is bound to present himself to the authorities of his district. The draft is made by cantons, and the number of men furnished by the department and by canton is in proportion to the number inscribed on the service rolls of each canton.

Up to the year 1830 the annual contingent was based on the population; from 1831 to 1835 the proportion was graduated according to the average of young men inscribed on the conscription lists of a certain number of years preceding†. Since 1836 the basis is no longer upon such average, but upon a list of the year.

*The law of March 9, 1831, authorizes the formation of a foreign legion, under condition that the same shall not be employed in France. The law of April 16, 1856, sanctions the 1st and 2d foreign legions, forming two regiments of foreigners, whose service, administration, pay, organization, &c., are assimilated to that of the infantry of the line.

†In explanation of the mode, a scale regulating the number of men to be drafted, as fixed by the law of December 11, 1830, M. Lalanne, commissaire du Roy, says: "The law of March 8, 1818, in the bill of the government presented the 'military population' as a basis for the annual levy. The Chamber of Deputies substituted the whole population, on the ground that it gave a basis for arriving at the desired result made for other purposes than recruiting, and therefore not liable to be questioned. Since then, however, increasing complaints have been made against the system, and a return to the basis of 'military population' proposed. The commission charged by the government to prepare a new law has examined into the merits of the three bases, i. e., the total population, the military population determined by the registers of the census, and which serves as the basis of the draft, and the same population, deduction made of those whose size or infirmities render them unfit for service. The commission has rejected the latter mode, as subject to serious inconveniences. It weighs heavily upon districts furnishing the largest contingent of the army, and tends to diminish the population both in numbers and in quality. The military board, examining, moreover, only the fitness for service of the number necessary to complete the contingent;

The annual levy in ordinary times is fixed at 80,000 men.

The number of men registered for drafting averages annually about 300,000.

The number of young men enrolled was—

For drafting :		And the contingent :	
In 1855	318,461	140,000 =	43.9614 per cent.
In 1856	310,833	100,000 =	32.1716 per cent.
In 1857	295,309	100,000 =	33.8628 per cent.
In 1858	305,943	100,000 =	45.7601 per cent.
In 1859	306,930	100,000 =	32.5807 per cent.
<hr/>			
1,537,476			
<hr/>			
Average	307,495		
<hr/>			

According to M. Leon Lalanne, it is calculated that, owing to the number of exemptions, about 175,000 men must be drawn to form a contingent of 80,000 soldiers. In other words, 100 men have to be drafted in order to secure 46 fit for service. In the department of Lozere and Dordogne 73 men in 100 drafted were exempted. Notwithstanding this, says M. Lalanne, France could raise annually 132,000 recruits, taking into consideration all kinds of exemptions, and respecting the rights and satisfying the interests of all concerned.

The legal service of a soldier is fixed at 7 years, counting from the 1st of January after his 20th birthday.

Under the law of March 21, 1832, the young soldier is permitted to furnish a substitute, subject, however, to rigorous conditions as to morality and aptitude for service.

This system of substitution obtains only in practice, at present, with regard to brothers, brothers-in-law, and relations up to the fourth degree. Moreover, by the law of April 26, 1855, modified by act of July 24, 1860, the exemption from service can be secured at a fixed sum, which is applied to a fund for enlisting veteran soldiers, by re-engaging at the end of their service as substitutes. These re-engagements are for terms of not less than two years, and not more than seven years.

Substitutes can be entered on the registers of the districts where they present themselves in lieu of drafted men, provided they are admitted as fit for service by the military board.

Young men of proper size, health, and morality can enter as volunteers at the age of 16 in the navy, and at the age of 18 in the army.

The reserve is formed of men who, although comprised in the levy, have not been called upon to join their regiments, and are consequently not in active service, and of such soldiers who have been granted furloughs, in anticipation of the expiration of their legal term of service.

the remainder are not examined, and the relative proportion of those unfit for service cannot be ascertained. The commission has abandoned the basis '*whole population*' for other reasons. The official census has not always been exact; some data was taken from statistical tables, the elements of which have often been erroneous or ill combined. Divers interests, moreover, have often determined some towns to either augment or reduce the number of their population. In the frontier departments, moreover, there is generally a large floating population which influences the number of the contingent without participation in the draft; in consequence, an unfair proportion of men are called out in these districts.

"These two-fold advantages have induced the commission to propose as a basis for the draft the '*military population*' as given by tables of the census."

Exemptions and exclusions.

The following are excluded from military service, and can serve in no form in the army :

1. Those who have been subjected by an infamous or afflictive punishment.
2. Those who have been condemned for misdemeanors to an imprisonment of two or more years, and have, moreover, been placed under surveillance of the police, and have lost their civil and family rights.

The following are exempted, and are placed in the contingent of young men who have been drafted, but who fall within the following conditions: (Article 13, law of March 21, 1832.)

1. Those who are less than 1,560 metres in height.
2. Those afflicted with an infirmity rendering them unfit for service.
3. The eldest of orphan children, having lost both father and mother.*
4. The only son, or the eldest son, or where there is no son-in-law, the only grandson, or the eldest grandson of a widow, and who is still such; of a father who is blind or incompetent to take care of himself.*

In the cases provided for in Nos. 3 and 4, the younger is exempted if the elder brother is blind or incompetent.*

5. The eldest of two brothers, when both are enrolled and drafted at the same time, provided the younger is fit for service.

6. When another brother is serving otherwise than as a substitute.†

7. He whose brother has died in active service, or has been honorably discharged or permitted to quit the service on account of wounds received in the execution of orders, or on account of infirmities contracted in the army or navy service.‡

The exemptions granted in the cases cited in Nos. 6 and 7 *supra* apply in the same family as many times as the same causes occur; exemptions already granted in favor of living brothers, by virtue of this article, being, however, deducted, except in cases of infirmity.

Those absent, or not duly represented at the draft of their class, cannot claim the exemptions indicated in Nos. 3, 4, 5, 6, and 7 of this article, if the causes for these exemptions have only arisen after the close of the rolls forming the contingent of their class.§

Those coming within the following conditions are considered as having purged their liability to draft, and their names are struck from the rolls.|| (Art. 14, law of 31st March, 1832.)

* To secure exemptions for these cases, they must exist at the moment of the draft; if they arise after the soldier has been drafted, they are not considered as entitling to exemption.

† The exemptions in No. 6 are granted without regard to the rank which the brother holds in the army.

‡ This paragraph is applicable even in cases where the brother served as a substitute. The report made to the Chamber of Peers says: "Substitution will no longer procure exemption of a brother, and has given rise to much complaint. A notable difference exists, indeed, between gratuitous volunteering and that which, without adding to the contingent, is simply a speculation. Nevertheless, exemption should be granted to the brothers of substitutes killed or discharged on account of wounds received or infirmities acquired in the service." (According to the law of 10th March, 1818, exemption was granted to him whose brother was in actual service as a substitute.) The following amendment, proposed by M. Couterier, was rejected: "The soldier shall also have the benefit of these causes of exemption when they arise during his term of service." Consequently, causes of exemption are valid only at the time of draft or mustering in.

§ This stipulation is applicable to the young man omitted involuntarily, and where no fraud could be imposed.

|| The difference between Nos. 14 and 13 is easily understood. No. 13, in exempting one individual, calls in another as a substitute to complete the contingent, while No. 14 considers only those who are performing an equivalent for military services, and it does not call upon subsequent members on the rolls to make his place good.

1. Those who are actually in the land or naval forces, provided they have enlisted for a term of seven years.

2. Registered seamen, and ship carpenters, sailmakers, &c., upon the lists of the *maritime inscriptions*.

3. Pupils of the "Ecole Polytechnique," provided they are present at that institution and enlisted in the public service for a term of seven years.*

4. Members of public institutions who have engaged themselves before being drafted, to follow the profession of instructors, also pupils of the central normal schools at Paris; those of the schools called *jeune de langues*† and the professors of deaf and dumb asylums.

5. Pupils of the large seminaries authorized for ecclesiastical (Catholic) studies; young men authorized to follow studies for the ministry of other beliefs, salaried by the state, under condition, as regards the former, that they shall be held to service if they do not enter holy orders on attaining the age of twenty-five, and with regard to the latter, if they have not been consecrated within the year after the term when they could have obtained the same.

6. Young men who receive the great prizes at the *institute* or the university.

Young men who have drawn numbers, placing them in the contingent, but have been exempted conditionally by virtue of the stipulations of Nos. 1, 3, 4, 5, shall, when they cease to follow the vocation which exempted them, notify such by a declaration to the mayor of their district within the year when they ceased to be in the service, employment, or studies, and receive a copy of such declaration.

Failing to make such declaration and to get it *visé* by the *prefet* of the department within one month, they are liable to the penalties indicated in the first paragraph of art. 38 of law of 21st March, 1832. They will be replaced in the contingent of their class, without any deduction for the time elapsed from the cessation of their services, employment, or studies, up to the time of declaration.

In the case of exemptions on account of infirmities professional men are consulted. Other cases of exemption or deduction are decided upon the production of authenticated documents, or in default thereof, upon certificates signed by three heads of families, domiciled in the same canton, whose sons are liable to draft or have been drafted.

These certificates must, moreover, be signed and approved by the mayor of the commune of the person seeking exemption.

SYSTEM OF RECRUITING IN PRUSSIA.

Unlike the practice which obtains in most countries of Europe of recruiting by conscription, military service in Prussia is compulsory upon all, and without the chances of a draft or the privilege of furnishing a substitute.

The basis of the Prussian system is the law of 3d September, 1814, by which every Prussian is bound to military service from the age of 17 to 49.

During this period the service is divided as follows:

From the age of 20 to 25 (except in Westphalia, where it begins at 21,) every Prussian is liable to be called out for active service; as a rule, however, he remains only three years with his regiment; during the remaining two, in time of peace, he is sent home and placed in the "reserve."

From the age of 25 to 32 he serves in the "Landwehr," first class; and for a further term of seven years, say from 32 to 39, he remains enrolled in the "Landwehr" of the second class.

* Pupils leaving the school as officers cannot be exempted from military service on resigning their commission. "A soldier," says the minister of war, "who, at the end of four years, obtains a commission and sends in his resignation, is held liable to enter the ranks to complete his term of service."

† This school, attached to the ministry of foreign affairs, has only a few pupils.

In time of war and great emergency every man is liable up to his 49th year to serve in the home guard, (*Landsturm*,) beginning, as above stated, at the age of 17.

The duration of service is calculated from the date of entering the army, so that if he present himself at an earlier age than required by law the time is deducted.

Liability to serve dates from the 1st of January of the year of arriving at the age of 20.

Those who have been educated at a military school or at the institute of non-commissioned officers must remain in active service beyond the usual three years—two years additional, if they were educated entirely at the public expense, or one year if partially.

Those who volunteer before the age of 20, and are able to equip and keep themselves, and capable of passing a specified examination, remain for a term of one year only with their regiment, which is considered as equivalent to active service of three years.

The present government of Prussia proposes to extend the term of actual service to four years, and to augment the contingent of the standing army, whilst the liberal party contend for a diminution of the contingent, as well as a reduction of the time of service, from three to two years. This conflict is still going on, but up to this date no change has been made.

The government bases its proposition upon the fact that the army has not kept pace with the population. The annual levy has varied for the past thirty years from 60,000 to 63,000 men. This number, under the law of 3d September, 1814, was based upon the then existing census; thus, in 1816, Prussia had a population of 10,136,000 inhabitants, the levy amounting to 125 per cent.; it has now a population of 18,210,000, and the levy amounts to 112 per cent.

According to Dieterici, *Handbuch der Statistik des Preussischen Staates*, the Prussian army in active service in 1855 was 165,537 men; of these the service requires a renewal of one-third every year. The number of recruits required annually is, therefore, 55,179 men, while by the census of the same year, 1855, the number of young men of the age of twenty in the Prussian monarchy amounted to 147,614; about one-third, however, are found unfit for service, or exempted on other grounds.

The following data of population, &c., taken from *Witsleben Heerwesen der Preussischen Armee*, (1864, page 64,) are interesting in this connexion:

The population of Prussia, according to census, was in 1854..... 16, 737, 670

Of these there were of young men between the age of twenty and twenty-five..... 633, 331

Those having attained twenty years, and liable to call..... 177, 416

The other four classes, being respectively twenty-one, twenty-two, twenty-three, and twenty-four years old..... 263, 820

Total of roll of men..... 441, 236

From the above the following reductions are made, viz :

a. Volunteers serving one year..... 12, 458

b. Serving as a punishment..... 245

c. Definitely exempted—

Totally unfit..... 13, 885

Unfit for field duty, but serviceable for garrison duty..... 8, 373

22, 258

d. Temporarily exempted—

Owing to infirmities..... 143, 863

Under size, less than five feet..... 43, 200

Other exceptional considerations..... 13, 604

200, 667

e. Absentees with permission.....	50, 352	
Without permission.....	34, 054	
		84, 406
Total men.....		378, 827
Number remaining liable to serve.....		62, 409
(Equal, as above, to 441,235.)		
Of which have been called in.....		40, 391
Leaving subject to call.....		22, 018

The following table shows the relative percentage of the preceding statement, compared with the average during the previous years, from 1831 to 1854 :

	1854.	Average from 1831 to 1854.
Volunteers.....	2.82	2.46
Serving by reason of punishment.....	.6	.9
Definitive exemptions.....	5.04	6.40
Temporary exemptions.....	55.72	53.58
Other considerations.....	3.08	3.50
Absentees.....	19.12	15.85
Total.....	85.84	81.88
Remain to be called.....	14.16	18.12
Have been called in.....	9.15	8.84
Remaining subject to call.....	5.01	9.28

Exclusions and Exemptions.

They are definitive and temporary ; certain conditions, or temporary service, suffice, in some cases, to entitle to a furlough, with liability to be called upon at any time to join their regiments.

Those who have undergone infamous or afflictive punishments are excluded from the army, and those who have lost civil or civic rights, if the loss of the latter be temporary only, this cause of exemption is valid only until legal rehabilitation. If not rehabilitated on attaining the twenty-third year, such persons are incorporated in disciplinary companies as laborers.

Those who wilfully disable or mutilate themselves, with the view of avoiding service, are treated in the same manner.

Conditional exemptions are granted to Quakers and Mennonites.

§ 14 of the law of December 9, 1858, stipulates that those immigrating from other German states shall be exempted from service, provided they have complied with the laws of their state on the subject ; but that they shall be, on becoming residents in Prussia, incorporated in the reserve, and be liable to serve in the "Landwehr."

Foreigners emigrating from other countries than German states are liable to service according to their age, no matter whether they have served at their former homes or not.

Those who live in Prussia, without being naturalized as citizens, shall not be called on nor be admitted into the service.*

Temporary and conditional exemptions are granted to pupils of seminaries, and tutors of the same, on condition that they join once, for a period of six weeks, a regiment, after which they are exempted from further service.

The same exemption is accorded to those who, at the time of the call, are studying at the seminary of Guadenfred and the college of Wielski; also, those of the Jewish college at Munster, provided they bring testimonials showing their fitness for holy orders.

Those who serve as attendants in military hospitals for a term of one year are exempted from further service, but remain four years with the reserve, and are afterwards liable to service in the "Landwehr."

Those who have served six months in the military train or transport service are held to serve the remaining portion of their time in the reserve, or "Landwehr," if required.

Those enlisting for service in the navy are subject to the same rules; they remain in the first class from the age of 20 to 25, in the second from 25 to 32, and in the third from 32 to 39.

Those found to be under size, *i. e.*, below five feet, (Rhenish measure,) are put back into the next class, and the military board decides whether the men are definitively exempted or held at disposal, in which latter case the men are liable to be called in case of war.

With regard to size, the lowest for regiments of guards is 5 feet 5 inches, for one-fourth; another fourth must have at least 5 feet 6 inches, and the remaining one-half at least 5 feet 7 inches and more.

For infantry, the size is 5 feet 2 inches, and 5 feet by exception, if the man be otherwise robust.

For fusileer companies, such men who show natural agility, aptitude, &c., are selected; size as above.

Riflemen, as a rule, must not be less than 5 feet 2 inches, and not above 5 feet 7 inches; some exceptions are admitted at 5 feet.

The same stipulations obtain with regard to the soldiers for the military train.

The fitness for service is determined by professional men, but their decision is not binding on the commission appointed for examination.

In cases of infirmity the reports of the surgeons are subject to the confirmation of the military board, which alone decides whether a man is to be definitively discharged, or, unless he suffers from incurable infirmity, is to be held at the disposal of the military authorities, as provided in the preceding paragraph.

The following provisions to exemptions are made for persons who shall be "favorably considered," or are recommended for temporary exemption:

1. Those who, in the opinion of the examination board, are the support of families which might otherwise be subjected to want.

2. The only son of a widow, when there is no other member of the family to provide for her or her family.

3. Persons who inherit, or unexpectedly acquire otherwise than by purchase, property which they cannot leave in the hands of others, without detriment to their interests, provided such property is of sufficient value to furnish the means of living.

4. Tenants of crown lands, or other real estate, whose lease, owing to the death of a parent or relative, or other circumstance, must be renewed, and the occupation of which cannot be ceded to another without prejudice to the property.

* Throughout Germany no one is permitted to settle in any business, or follow a trade, without first becoming a citizen.

5. Owners of factories, or other industrial establishments, who are employing a number of workmen, and cannot find a manager to take their place, provided they have not actually acquired the property by purchase at the time when liable to serve.

6. Those who, as sons of disabled parents, are considered as the only and necessary assistants for the management of their property, whether real or personal, factories, &c., provided they are unable to procure elsewhere the necessary assistance.

If it should turn out that the conditions indicated in the foregoing six paragraphs result from purchase, leasing, or transfer of property by the free will of the parties, the exemptions are inadmissible. As a rule, no one liable to serve shall, before having satisfied the provisions of the law, enter into any engagements which tend to preclude, or render difficult, compliance with the terms of the law.

Marriage contracted before the time of service is no cause of exemption from service.

All temporary exemptions are granted, as a rule, for one year only.

Exemptions are also accorded—

1. To those who bring indubitable proof of being engaged in acquiring the knowledge of a profession, or art, the result of which would be seriously affected by interruption of the studies.

2. Pupils of the industrial schools at Berlin.

3. Pupils of the medical school.

4. Pupils of veterinary schools.

On the 15th January, each year, the parish priest must send in a minute of the births in his district for the past year. The local authorities make up from these registers a list of all individuals who have attained the seventeenth year, and these are entered on the rolls.

Registers are also kept of those persons who have a legal residence in the district, or who, without being born in the district, are domiciled as servants, managers, clerks, apprentices, students, or pupils.

Mr. Sanford to Mr. Seward.

No. 180.]

LEGATION OF THE UNITED STATES,

Brussels, January 18, 1864.

SIR: The King was present at the ball given at the palace on the 13th instant. At the diplomatic circle, after some conversation of a personal character, he inquired what my advices were from home.

I replied that the result of the war was no longer doubtful; that men and money were not wanting any more than the determination to put down the rebellion. His Majesty said, he hoped that the exercise of force would be tempered by conciliation, or some expression to that effect. I replied that the late proclamation of amnesty of the President showed that such was the spirit which inspired the government. He assented in a general way, adding that he thought great forbearance and patience would be still required before reaching the end.

The King appeared to be in remarkably good health and spirits.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 181.]

LEGATION OF THE UNITED STATES,

Brussels, January 22, 1864.

SIR: The ministerial crisis still continues. The King, after calling in turn, and without result, M. de Broukère and M. Pirmey, both members of the liberal party, to form a cabinet, has turned to the conservative party, and M. Deschamps and M. de Theux have been, in succession, summoned to the palace, but with the same result. It would seem that none are willing to undertake the reins of government without the power to dissolve the Chambers—a strictly party cabinet being impracticable in the present condition of parties in the Chambers, where, owing to the death of one of the liberal members, M. Coumont, they are equally balanced.

The conservatives desire a cabinet without political character, and for business solely, as a sort of interregnum till the next election. The other party are not disposed to enter into such a combination, and desire to throw upon the conservatives the onus of carrying on the government, or declaring their incapacity to do it; and this condition of things is likely to remain for some time longer. Meanwhile, there is a good deal of excitement and agitation on the subject throughout the country.

It would be a matter of no surprise to me if, as before stated, the crisis should result in the permanent withdrawal of two or three members only of the cabinet. If, however, they remain fixed in their present position, of standing or falling together, and the party remains equally determined not to accept a "business" cabinet, the probabilities are that a cabinet of one or the other party will be formed with the permission to dissolve the Chambers, and they will accordingly promptly appeal to the people through new elections.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 183.]

LEGATION OF THE UNITED STATES,

Brussels, January 25, 1864.

SIR: The *Moniteur* of the 23d instant publishes the tables of the "indirect" revenue of the state for the year 1863 compared with the revenues from similar sources in 1862.

The total in 1863 amounts to 116,750,364 francs, being an augmentation of 2,860,465 francs upon that of 1862, and about five and one-half million francs more than the estimates.

This increase arises principally from spirits, beer, and vinegar, inheritances, stamps, railroads, and telegraphs. There is a diminution in receipts from customs, registry, conveyances, and steam lines between Ostend and Dover.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 184.]

LEGATION OF THE UNITED STATES,
Brussels, January 29, 1864.

SIR: I had, on yesterday, an audience of the King, which I had asked for, in order to express to his Majesty some considerations touching the withdrawal by the great maritime powers of their recognition of the American insurgents as naval belligerents in the sense of your despatch No. 125.

After some conversation on other topics, (which will be referred to in another communication,) in reply to the hope expressed by his Majesty for an early termination of the war, the effects of which were so deeply felt in Europe, I said that my government, and the people of the United States, had full confidence in bringing it to an early termination, and in the only way possible to secure permanent peace—a restoration of the authority of the government over the whole territory of the Union. That after over two years and a half of war, and after furnishing over a million and a half of volunteers and fifteen hundred millions of dollars, the confidence in the result and the determination to put down the rebellion at any cost had been but strengthened, as his Majesty might perceive in the facility with which the government obtained fresh resources in men and money from the people. About five-eighths of the territory and population claimed by the insurgents was already restored to the authority of the government, and the remainder exhausted, crippled, and demoralized, were weaker than that proportion would express.

Without pretending to fix a term to the war, which might be closed the next campaign, or might continue over several, the result, it seemed to me, could no longer be doubtful, and depended upon the action of the great maritime powers of Europe. We were not fighting alone the rebellion, but we had to contend against the support, moral and material, given by those powers in Europe who called themselves our friends. The recognition of belligerent rights had been and continued to be an immense aid to the insurgents. Not alone in stimulating the hopes of their leaders for a political recognition, and exciting to more desperate resistance, but in enabling them to procure the means to exercise, under the protection of those powers, detestable acts of spoliation and destruction of peaceful merchantmen upon the high seas. At this moment there were in the ports of France no less than three English vessels, with English crews and armaments, fitting out to continue their work of piracy under the so-called confederate flag.

If European governments desired peace, let them withdraw their moral support to the rebellion, and refuse the means to the insurgents for continuing the war by inhibiting these vessels access to and protection in their ports. Such course would surely hasten the end. The contrary course would but prolong the struggle and the sufferings in Europe, but could not affect the result which the deliberate resolution of the government and the people of the United States had determined upon. We could, I continued, carry on the war for still a considerable period without serious disturbance to our financial or industrial interests, but could Europe long afford to continue to aid to prolong the war? Every day's continuance of the war, and a war tariff on foreign goods, was adding to our independence of her and her manufactures, and consequently tending to close her most important markets. Instead of sending two hundred million dollars' worth of goods to the United States to buy cotton, France and England were now sending specie to distant lands to pay five prices for cotton to people who needed few clothes, and were but trifling consumers of their manufactures. If this were long continued, to the great embarrassments of a financial crisis would be likely to be added the calamity of a monetary crisis, and with

it suspension of specie payments. Again, the continuance of the war would but make more wide-spread the desolation in the cotton-producing States, and inflict upon Europe a more prolonged period of high prices for cotton. Was not the time come for this subject to be seriously considered by European governments? Now, the withdrawal of the recognition of belligerent rights to the insurgents would be considered a gracious and friendly act, which would do much to allay the irritation which had been excited among our people; the time might not be far distant when the condition of the south would necessitate its withdrawal, and when we should have a right to claim it from those who would remain our friends. His Majesty had already lent his powerful influence in favor of justice and peace in the matter of the stoppage of the iron-clad vessels building for the confederates in England, and his action, as on other important occasions, had been highly appreciated by my government. Could not that influence, acquired by the exercise of well-directed efforts in favor of peace and of good relations between peoples in both hemispheres, be now employed to promote the cause of peace in America, and would it not be an act of humanity, not only to the insurgents, but to the suffering classes of Europe, to counsel a withdrawal of that aid hitherto given to the rebellion against the government and integrity of a friendly power?

His Majesty listened attentively to the remarks of which the above is the substance, and said I was right in supposing that his earnest efforts in the future, as in the past, would be directed in favor of peace. He would be gratified, he continued, if any way could be found by which that desirable end could be obtained in the United States towards which he had long entertained, as he had now, feelings of special friendly interest, and he hoped to see an early termination to this war, the disastrous effects of which were so wide-spread, and that it should be effected in a spirit of conciliation.

If, he said further, the President should ever desire his aid in the cause of peace it would be cheerfully given. His Majesty, save in expressions of assent to various propositions made in the course of my remarks, did not express (nor did I expect him to) any opinion upon their subject-matter, viz., the expediency of the withdrawal of belligerent rights to the insurgents.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 185.]

LEGATION OF THE UNITED STATES,
Brussels, January 29, 1864.

SIR: The King, in his audience to-day, after expressing the gratification with which he had perused the letter of the President to his Majesty in reply to his award in the Macedonian case, and requesting me to communicate the same to him personally, spoke with a good deal of earnestness of the desire he had to have a line of steamships established between Antwerp and the United States. He expressed the hope that we would, on our side, lend our aid to this end. His Majesty seemed to count more upon American enterprise for such an undertaking than upon that of Belgium. I said to the King, in reply, that I thought it very possible, if the project of aiding emigration to the United States should be realized, that Antwerp, the natural outlet for a large portion of the continent, might be made the seat of a bureau of emigration, and a point of departure for emigrants. This would greatly promote the creation of a steam-

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

No. 188.] LEGATION OF THE UNITED STATES,
Brussels, February 2, 1864.

While I understand it will announce to the Chambers that, in continuing in power, it abdicates in no degree its political programme, I do not doubt that irritating party questions will be avoided, while, on the other hand, the "conservative" party will hardly seek occasion to overthrow a cabinet which it has proved itself unable to replace.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

No. 195.] LEGATION OF THE UNITED STATES,
Brussels, June 28, 1864.

I had an interview with M. Rogier on the following day. The conversation was desultory; the main object of my visit, after paying my respects to the minister of foreign affairs, being to have a day fixed for the exchange of the ratification of the treaties of which I was the bearer from Washington. M. Rogier made inquiries touching the progress of our war, the colossal proportions of which and the frightful loss of life had, he said, astonished the world, and asked when I thought it would terminate. I replied, with the suppression of the rebellion; that neither men, means, nor determination on the part of the government and people were wanting to that end; that I had been confirmed by my visit to the United States, and contact with our people in all parts of

the country, in the conviction that the government would be upheld in its purpose of restoring its authority over the whole country; we had strong faith that the next campaign would bring the war to an end; that this campaign would result in the defeat of Lee and fall of Richmond. But would we be able to provide for the expense of a long-continued war? he rejoined. I replied, that the history of the past three years would serve to form a judgment for the future. Our people had lent over seventeen hundred millions of dollars to the general government, besides furnishing hundreds of millions additional to the State and municipal governments, and to soldiers, to aid in the prosecution of the war; they were still supplying the means to carry on the war, and it was to be doubted if these resources exceeded the surplus gains of the country. The markets of Europe, too, were open to us if we deemed it expedient to accept their proffers of money, which had not been wanting. I had seen no signs of exhaustion in the country. So far from growing weaker physically by the war, we were daily gaining strength. Our population to-day was three millions more than at the commencement of the war. Whatever the difficulties attendant upon carrying on the war, it must and would go on. M. Rogier expressed his astonishment at the evidence of the power and wealth of the United States which this war had brought forth, and his hope that it would be brought to an early termination.

The resignation tendered by the ministers to the King has been withdrawn at his request, and the cabinet has carried through most of the business of the legislative session (which will probably be terminated next week) with the feeble majority of from one to three votes. The probability is, that the Parliament will be dissolved, and an appeal made to the people by new elections late in the autumn.

The health of the King I am happy to be able to inform you is excellent.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

•Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

P. S.—The United States frigate *Niagara* arrived at Antwerp yesterday, and is now engaged taking in coal.

H. S. S.

Mr. Sanford to Mr. Seward.

No. 199.]

LEGATION OF THE UNITED STATES,
Brussels, July 6, 1864.

SIR: Lieutenant General Chapelle, "charged by his Majesty the Emperor of Mexico with the mission of organizing a body of troops destined to form part of the imperial Mexican guard," has issued a notice under date of yesterday, which I enclose herewith, touching the conditions, &c., of enlistment. The service is for six years, with a bounty of from sixty to one hundred francs, for non-commissioned officers and soldiers, and the same amount to be given at the expiration of their service, with return passage to Antwerp. Those who remain in Mexico as colonists will be entitled, the common soldier to about ten acres, the sergeant to about thirty acres of land, and to certain advances for its improvement; this grant of land to be doubled in the event of completing a second term of six years' service.

The pay while in Belgium is to be the same as that of the Belgian army. In Mexico it will be augmented in accordance with the needs of the soldier, and will be equal to that given to the best paid corps.

I have been told that the organization of this corps is complete, in so far as the officers are concerned, and that leave has been given to officers of the army who have joined this corps, which will number two thousand men.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 201.]

LEGATION OF THE UNITED STATES,

Brussels, July 7, 1864.

SIR: A new cause of excitement and agitation, tending to envenom still more the relations between the two political parties of this country, has absorbed public attention here for the past week.

On the 30th ultimo M. Orts presented, in the house of representatives, a bill based upon the law of 1856, adding six representatives and three senators to the representation in parliament, this increase being made to correspond with the augmentation of the population of the country, according to local statistics, and in accordance with the provision of the constitution by which one representative is accorded to every forty thousand inhabitants, and one senator to two representatives.

The passage of this bill would strengthen the cabinet, as the 250,000 increase of population is, for the most part, in the centres of trade and industry where, with the exception of Antwerp, the liberal party has the ascendant; thus Brussels, having an increase since 1859 of 80,000 inhabitants, is allowed by the bill two additional representatives; Liege, one; Antwerp, one, &c.

The bill has raised a storm of disapprobation on the part of the opposition, which insists that, according to the law of 1856, the general decennial census (to take place in 1866) should precede any new apportionment of representatives, and that it is contrary to the spirit of the constitution.

In the session of the house of representatives on the 1st instant, M. Dumortier, in the name of his political friends, in a note evidently prepared in concert with the members of his party, after having dwelt upon their moderation since the renewal of the sessions of parliament in indulging in no factious opposition to the cabinet, stated their objections to the bill, and demanded an explanation of the government touching its position with respect to it. M. Rogier replied that the cabinet intended to support the bill of M. Orts, and saw therein none of the dangers or unconstitutional acts which M. Dumortier had indicated. M. Dumortier replied that his party would be neither their dupes nor their victims; that he and his friends were now determined to bring about a dissolution of parliament by every legal means; that they had not desired, and did not desire, to obstruct the public service; that they would vote a provisional credit for the appropriations to the department of public works (the most important in the budget, and the only remaining section before the house) for the number of months which the minister of public works would declare to be necessary upon a dissolution of parliament, but that they would not vote upon a revolutionary bill.

A most stormy and excited debate followed, before the termination of which most of the members of the right left the house in a body. At the next session, on the 5th instant, the cabinet and its supporters only were present, fifty-six members in all, three members belonging to the liberal party being absent, and it adjourned over to the following day, and continues to adjourn from day to day to await the arrival of M. Tesch, minister of justice, who is absent in Ger-

many, and is expected here by the end of the week. His presence, together with that of M. de Brouckere and of M. Cumont, an invalid, will give the required quorum (one more than half the whole number of members) and majority to enable the cabinet to carry its measures. It is probable, therefore, that the remaining sections of the budget and the bill of M. Orts will be passed immediately upon his arrival.

I hardly think that this will lead to any more serious steps than a manifesto on the part of the "conservative" party. The dissolution of the Chambers will probably take place in any event in October, and new elections held with a better prospect, in view of the addition of members to be given by the bill of M. Orts, of obtaining a small majority for the cabinet.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 202.]

LEGATION OF THE UNITED STATES,

Brussels, July 14, 1864.

SIR: It was believed that the house of representatives would be able to proceed with business on the 9th instant, the presence of M. Tesch, with that of M. Cumont, the invalid member, assuring the necessary quorum of fifty-nine and a majority of one for the government.

M. Cumont, who was to have been transported to the house on that day, was unable to be present, and the fifty-eight members separated to meet again on the 12th.

On the 10th M. Cumont died. The government is consequently left without a majority, and the house without a quorum in the absence of the conservative members. On the 12th they again came together, and, after calling the roll, the president announced that due notice would be given of the next sitting. The following day the senate, after completing the business before it, received communication of a royal decree closing the legislative session of 1863-'64; a decree of dissolution of the house and ordering new elections will doubtless soon follow, and the canvass cannot but be a very excited one.

The government thus finds itself without the usual appropriations for the department of public works; it is the most important of all, the administration of the railroads of the state falling under this head; but I presume the public service will not be permitted to suffer, and that the cabinet will direct the usual expenditure to be made, relying upon subsequent sanction by parliament. I understand that the dissolution of the house of representatives will be announced immediately, and elections ordered for early in September. This, however, does not appear to me to be a solution of the difficulty; the elections will be closely contested, and if the conservatives come into power, it will probably be by a small majority. They will have against them the senate, where there is a "liberal" majority of six, and the only recourse would appear in such event to be a dissolution of that body, with the chances of failure to replace it by a senate having a majority of their friends.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 203.]

LEGATION OF THE UNITED STATES,

Brussels, July 14, 1864.

SIR: The Niagara frigate, Commodore Craven commander, came up the river Scheldt, anchored off Antwerp on the 27th, the day of the exchange of the ratification of the treaty for the extinguishment of the Scheldt dues.

She attracted great attention, and the effect of her presence, it being the first appearance, I believe, of any American ship-of-war at that port, has been excellent. Some information, which I transmitted to her commander, of a rumor that the Florida had been seen in the channel, occasioned her departure on the 2d for a short cruise. By despatch from Commodore Craven, under date of yesterday p. m., I learn that she had just entered Flushing, and would be there for four days.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 205.]

LEGATION OF THE UNITED STATES,

Brussels, July 21, 1864.

SIR: The King, travelling incognito under the name of Count d'Ardennes, left Brussels for Paris on the 19th instant, and after visiting the Empress, the following day proceeded to Vichy, where the Emperor has been for some days past. He will probably, I understand, remain there a week or two. This visit has naturally given rise to many conjectures, among which the settlement of the Danish question, a new phase in the relations between France and Great Britain, and the possibility of a marriage between the Count de Flandre, now in Paris, and the Princess Anna Murat, are most prominent.

The country meanwhile is absorbed in preparations for the coming electoral struggle. It is proposed, I understand, on the part of the liberals, to nominate all the members of the late house, supporters of the government for re-election.

The opposition is making unusual efforts, and the struggle bids fair to be a most excited and bitter one, and does not promise to give to either party a very decided majority.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 206.]

LEGATION OF THE UNITED STATES,

Brussels, July 21, 1864.

SIR: I have had the honor to receive your despatch, No. 133, under date of the 4th instant, with enclosures.

The Niagara and Sacramento are now at Antwerp; have been well received, and no objection offered to their frequent visits, to taking supplies, or getting

repairs; on the contrary, I have reason to believe that their visits afford gratification to the authorities, as their presence has been of excellent effect upon them and the people of the country generally.

So long as the policy of Great Britain and France forbids the usual courtesy and aid to our national ships, which we extend to those of all friendly powers, the Scheldt, with its easy access, commanding position, safe shelter, and abundant supplies, would seem to afford all the facilities which are denied them elsewhere. I am informed by Commodore Craven and Captain Walke that the authorities at Flushing have also given them a hearty welcome, and extended to them every accommodation, and I cannot but express the hope that we shall ask as little hospitality as is compatible with the exigencies of the public service in the ports of those countries which give it so grudgingly.

Supplies of all kinds can be obtained, probably cheaper than at any other port, at Flushing or Antwerp. Arrangements can easily be made here or in England for the delivery of coals alongside the ships at stated places, and the Belgian coals are, I believe, preferred by our engineers. The ships could appear constantly off the French and English ports, communicate with our officials, and exercise all necessary vigilance without entering them, save by stress of weather, if this treatment of our national flag is to continue. There seems, however, to be a disposition not to insist upon a rigorous application of the existing regulations to our ships-of-war, judging from the fact that the Kearsarge is permitted, without objection, to lie in wait for the Rappahannock, now at Calais, from the opposite port of Dover.

The destruction of the Alabama by the Kearsarge, and the frequent appearance of our ships-of-war in or off neighboring ports, has been productive of good effects on the public mind. Attention has been thus drawn to our naval strength, and details concerning our vessels, their armament, &c., are given in the press and eagerly sought by the public. An end, too, has been put to the reproach often made, that while making so frequent reclamations touching the building or harboring of rebel craft we did not show interest enough in their capture to keep even a force equal to that of the "confederates" within ten days' sail of our principal navy yard; that but one steamer, the Kearsarge, was in the waters off the French and English coast, when three confederated war vessels, and seven more rapidly approaching completion, were in ports of France.

In this connexion I would again call your attention to the possibility of procuring seamen for our navy in this country. As has been before observed, there is no legal impediment in Belgium to the engagement of soldiers or sailors for our service.

Apart from the easy access from the Baltic ports, where the best sailors of Europe are to be found, there are many Belgians employed on the canals here who have been for the most part sailors or fishermen on the high seas, and who now, owing to the competition of the railways, finding their calling unremunerative, would, if opportunity offered, seek, I doubt not, service in our navy. If we had, as suggested in a previous despatch, a receiving-ship in the Scheldt (say at Flushing) to which sailors could be directly sent, and from which they could be transferred for distribution to our navy yards or to other vessels, I think a great saving might be made in the bounties now given for seamen, as well as of time in procuring the crews we so urgently need.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 209.]

LEGATION OF THE UNITED STATES,
Brussels, August 12, 1864.

SIR: The King returned here from Vichy on the 9th instant.

The general elections for the house of representatives, held on yesterday, passed off, although amid great excitement, more quietly than had been apprehended. The incomplete returns, obtained through unofficial sources, are more favorable to the "liberal" party than its partisans even seem to have anticipated. It has carried, by small majorities, its whole ticket in the two districts where the elections were most bitterly and sharply contested—Bruges and Ghent—and M. Dechamps, the leader of the "conservative" party, has been defeated at Charleroi.

The cabinet is thus secure in its place, and will, it is now believed here, have a majority of twelve votes in the house.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

P. S.—I have had the honor to receive your despatch No. 134. H. S. S.

Mr. Sanford to Mr. Seward.

No. 210.]

LEGATION OF THE UNITED STATES,
Brussels, August 19, 1864.

SIR: The election returns confirm the report in my last despatch of a majority of twelve for the cabinet in the house of representatives.

There will be, probably, some contested seats, but I hardly think this majority will be materially changed.

The election has been a very close one, the majority of "liberals" on the aggregate vote of the whole country, which was over 83,000, appearing to have been about 500.

The strongholds of the "liberal" party continue to be the great centres of trade and industry, while those of the "conservatives" are the rural districts. In Brussels and other districts, with two or three exceptions, where, heretofore, these have rarely made opposition on account of the overwhelming strength of their opponents, they have put up their candidates for election, and have thus been able to count pretty correctly their strength in the country.

Since 1857 the "liberal" party has been gradually losing ground, and but for the act of the "conservatives" in breaking up the house of representatives by their organized abstention from its sessions—an act not approved by the whole party, while it united the "liberals," and gave them a cause of complaint before the country—the probabilities were that the "conservatives" would have come into power.

If the leaders of the "liberal" party will profit by their narrow escape, and turn their attention rather to measures touching the industrial and commercial affairs of the country than to questions which bring them in collision with the faith and religious belief of a large portion of the population, and which the natural jealousy of the influence of the Church of Rome in their internal affairs has excited, I think that they are assured a long lease of power.

It is the acrimonious discussions which have been raised on questions touching the privileges and powers of the church, or institutions under it, which have

created the profitless bitterness and rancor between parties, and which, in case of the victory of the "conservatives," would, doubtless, have led to acts of violence in some places. The country is very prosperous; its people have a larger measure of liberty, greater freedom of political action, and, in their municipal life, approach more nearly self-government than in any monarchy in Europe. There would seem to be no reason why, with more attention paid by political parties to the material interests of the country and the wants of the masses, and less to questions which clash with faith or religious scruples or liberty, this country should not continue to be the freest, least taxed, and most prosperous on the hemisphere.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 213.]

UNITED STATES LEGATION,

Brussels, September 7, 1864.

SIR: The new house of representatives met on the 3d instant, and, after three days' animated debates on contested elections, was organized on the 6th by the re-election of its former officers.

The credits left in suspense by the dissolution of the last house were voted; the proposition of M. Orts, increasing the popular representation in the national legislature, with a modification providing for an additional senator from Brussels, instead of, as originally proposed, from Louvain, was reported from the sections for first reading, lies over, and will probably be acted on next session, and the house adjourned *sine die* on the 3d instant.

There were two incidents in this short session worthy of notice: the first was a discussion upon an interpellation by M. Coomans, touching the organization in this country of a Belgian legion for service in Mexico, for details of which I beg to refer to my despatch No. 214; and the other the debate upon the supplementary credit of 5,575,000 francs for the completion of the fortifications of Antwerp.

This latter question, upon which the liberal party is not united, gave rise to a lively and acrimonious discussion, and was decided by a close vote in favor of the government, which would seem to owe to the abstention of some members, and the absence of others, an escape from a possible defeat.

This long-agitated subject of the fortifications of Antwerp thus seems to be finally disposed of, saving at Antwerp, where local interests will probably for some time to come be occupied with it.

I enclose from the *Moniteur* the debate, which is interesting, especially the able defence by General Chazal, the minister of war, of the system and policy of fortifications.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 214.]

UNITED STATES LEGATION,
Brussels, September 7, 1864.

SIR: I enclosed to you on the 6th of July, in my despatch No. 199, a notice published by General Chapelie, inviting recruits for a Belgian legion to serve in Mexico.

Soon after I called M. Rogier's attention, incidentally, to this notice, and asked him if the government was a party to this organization of troops. He replied that it was not; that, as a government, they had nothing to do with it; that they had, however, given permission to Belgians in their service who desired to go, for without it they forfeited their nationality as Belgians. There was nothing in their laws, he continued, which prevented recruiting in Belgium for foreign service, provided it was not against a nation with which they were at peace.

This subject, coupled with the appearance in the streets of the recruits in Mexican uniform, has naturally excited public attention, and in the sitting of the 2d, on a motion by M. Coomans, he inquired of the minister of war if it was true that Belgian soldiers had received authorization from the government to take military service in Mexico, and upon what laws it was based. The minister replied that it was in accordance with numerous precedents, and he did not see why exception should be made against those Belgians wishing to serve a daughter of the King, who is a sovereign in another country.

An animated and interesting debate followed, which I enclose from the *Moniteur*, and which shows considerable embarrassment on the part of the government, and on the part of its friends, to defend its course, such as it is; for its effect would seem to tend to put the representatives of liberalism in Belgium in a false attitude before the liberal sentiment of Europe.

The motion of Mr. Coomans, expressing the regret of the house that the government had authorized the promotion in Belgium of a Belgian military corps for service in a foreign country, failed by a vote of 39 for and 53 against. A substitute, by M. Bara, declaring that "the house, in presence of the formal declaration that the government has remained and will remain completely aloof from the encouragement of a corps destined to serve in Mexico, proceed to the order of the day," passed by a vote of 50 for and 36 against.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 215.]

LEGATION OF THE UNITED STATES,
Brussels, September 15, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches Nos. 142 and 143.

The Belge-Mexican corps which is organizing here, and to which reference has been heretofore made, seems to progress but slowly. I am informed that but about one-half the number contemplated (2,000) has been enlisted. The cause appears to be the want of funds to carry out the original plan. There seems to be a good deal of feeling against this expedition on the part of a portion of the population here, which I would not be surprised to see take the form of some public manifestation.

It is probable that this government will soon send an extraordinary mission to Mexico, and that M. Blondeel de von Cuelebroeck, the Belgian representative at Washington, will receive this temporary appointment.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 220.]

LEGATION OF THE UNITED STATES,

Brussels, October 24, 1864.

SIR: I have the honor to acknowledge the receipt of your despatches from No. 144 to 149, inclusive; also, your circular despatch of 12th ultimo, and your communications marked "private," under date of September 17, 19, and of 4th instant. The latter, touching the appointment of the present Belgian minister to the United States on an extraordinary mission to Mexico, will be acted upon in accordance with your suggestion. M. Rogier is out of town, and will be absent for a week or so longer.

The King is absent on a visit to Germany and Switzerland, to return early the coming month.

A corps of Belgians, about 600, according to the journals, recruited here for service in Mexico as "Empress Guard," have left here for the country, via St. Nazaire, and sailed last week in the regular French packet for Vera Cruz. Want of funds will probably be an obstacle to the completion of the enlistment proposed here. Apart from the dissatisfaction which seems to be felt among the soldiers and officers as well, the debates in the Chambers reported to you, and which will doubtless be resumed at the next session, have also tended to make the service unpopular; and my impression is that the "Mexican Empire" cannot safely count upon more soldiers from Belgium, even had it the funds to continue recruiting.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 227.]

LEGATION OF THE UNITED STATES,

Brussels, November 17, 1864.

SIR: The regular session of the legislative chambers commenced on the 8th instant. There was no discourse from the throne, the King having only returned on the 15th.

The budget for the year 1865, which has just been distributed, estimates the receipts at \$32,000,000 in round numbers, being an augmentation upon the year 1864 of \$370,000, and the credits asked for amount to \$30,720,000, showing an excess of receipts over expenditures of \$1,100,000. This excess, however, is applied to extraordinary expenses of public utility, provided for by anterior legislative enactments.

The credits asked for are as follows:

For civil list, (royal family, \$680,000; senate, \$12,000; house of representatives, \$37,000)	\$850, 000
Minister of justice	2, 967, 000
Minister of foreign affairs	635, 000
Minister of war	6, 990, 000
Minister of finance	2, 765, 000
Minister of public works	5, 874, 000
Minister of interior	2, 273, 000

The only augmentation I remark in the budget for foreign affairs is for an envoy extraordinary and minister plenipotentiary to Mexico, and the expenses of the office of a legation there.

The usual provision is made for a minister resident at Washington, the pay not having been increased, although the present incumbent of that mission has the title of envoy extraordinary and minister plenipotentiary.

I am given to understand that it is probable a considerable increase will be asked for in the pay of the Belgian diplomatic agents.

The financial system of Belgium was recounted fully in my despatch No. —; referring to that for details, I give below the items of estimated receipts under their general heads, showing also augmentation or decrease upon the previous receipts. The estimates under the head of "contribution personnelle," (increased \$17,000,) amount to	\$2, 200, 000
The real estate tax, (foucier)	3, 780, 000
Business licenses, (droits de patents, increased \$11,000,) to	800, 000
Licenses for sales of alcoholic liquors, (increased \$14,000)	264, 000
Licenses for sales of tobacco, (increased \$1,000)	43, 000
Mines	80, 000
Customs, (decreased upon 1862 \$200,000, decreased upon 1863 \$322,000)	2, 600, 000
Export dues, (increased \$7,000)	10, 000
Tonnage dues, (on flags not a party to Scheldt treaty)	3, 000
Excise, (increased \$137,000)	5, 300, 000
Registry tax	2, 800, 000
Mortgage tax, (increased \$20,000)	520, 000
Inheritances, (increased \$40,000)	2, 200, 000
Stamp tax, (decreased \$30,000)	950, 000
Tolls on rivers and canals, (decreased \$30,000)	520, 000
Post office, (increased \$40,000)	672, 000
Railroads, (increased \$150,000)	6, 500, 000
Telegraphs, (increased \$20,000)	140, 000
Public domain, (decreased \$10,000)	180, 000
Forests, (decreased \$20,000)	210, 000
Railroad dependencies, (decreased \$5,000)	15, 000
Establishments and service carried on by the state, (decreased \$25,000)	40, 000
Divers and incidental receipts, (decreased \$10,000)	180, 000
Product of the employment of caution money, (increased \$10,000) ..	26, 000
Visas, &c., (decreased \$3,200)	800
Pilotage dues, (increased \$20,000)	140, 000
Allowance for expenses in collecting provincial and commercial quotas	30, 000
Miscellaneous, (increased \$2,000)	320, 000

The most notable diminution, it will be seen, is in the receipts from customs. This is owing to the suppression of some duties, as provided by the convention with France, the reduction of duties on timber, &c., and the suppression or reduction of various duties about to be proposed to parliament. The expense of collecting the small amount of this branch of revenue is 34 per cent. The duties are less than 10 per cent. upon the valuation of the imports. A sound liberal policy would seem to dictate their total abandonment at no distant day.

The real estate tax, (*foucier*), which is a fixed tax, has not increased with the value of the land; had it followed that increase it would produce near double the present amount.

The most important augmentation is in the receipts from the railroads. These are to a great extent the property of the state, and the steadily progressive increase of their receipts has become a most important element of the public revenue.

The budget presents a favorable contrast with those of neighboring states, and gives marked evidence of the great and increasing prosperity of the country. I send it herewith.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 228.]

UNITED STATES LEGATION,

Brussels, November 21, 1864.

SIR: Another detachment from the depot of recruits for Mexico was despatched hence last week, *via* St. Nazaire, about 400 men, I am informed, and the remainder are to go forward by the same route, by the steamer of December. As before stated, recruiting for Mexico has, since some time, been practically suspended.

The whole number recruited amounts, I believe, to some 1,400 men. How many have sailed or will sail from St. Nazaire, I know not. There has been considerable dissatisfaction manifested, and I suspect a good many desertions.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 229.]

LEGATION OF THE UNITED STATES,

Brussels, November 25, 1864.

SIR: The news of the almost unanimous election of the Union ticket reached here on the 21st, and has made a profound impression here and throughout Europe. It is received and commented on by the public press and in political circles in accordance with sympathies for or hostile to republican institutions. While the organs which represent the latter feeling consider and deplore this result as giving assurance of a prolongation of the war, the representatives of more liberal sentiment hail it as a triumphant vindication of the principles of self-government, and an assurance that the Union has passed safely through its greatest trial, and is to stand as their great exemplar through ages.

I enclose some of the comments of the newspapers here on the receipt of the news, and would call your attention to an article from the *Journal de Gaud*, also enclosed, as a fair rendering of the enlightened liberal sentiment of the country. As Ghent is the great centre of cotton manufacture of Belgium, this journal may be supposed to speak authoritatively, in so far as this country is concerned, for that class in favor of which the sympathies of the world have been so loudly invoked, by reason of the war.

The deep interest with which our struggle is regarded in Europe, both by the party of liberal progress and those hostile to it, becomes every day more apparent, and the causes of that interest are more openly admitted. The former see in our success the vindication of the principles they profess, and the reasons for the reforms they are struggling for. The question of slavery seems to them now, so far as my observation extends, however much at the outset it seemed to enlist their sympathy, but of minor importance. While desiring, on the broad ground of philanthropy, that it should be extirpated, they do not appear to consider its extirpation or existence as likely to have any practical bearing on this side of the Atlantic; while, on the other hand, the safe issue of the "grand republique" from this tremendous struggle would, they assert, have a profound and far-reaching influence in the world; that from it would date a new era of progress and reform in Europe, while its fall would be likely to have a contrary effect, and to cause a reaction from the present liberal tendencies of the age.

Their opponents, on the contrary, seem to dread our success as likely to prepare the way for trouble and revolutions in Europe, as did the successful result of our revolutionary struggle in 1776, and to think that no effort should be spared to avert it; and hence the bitter, unscrupulous, and mendacious course which their organs in the public press have pursued toward us.

It would do much for the right understanding of our cause abroad if we had in some journal in Europe a recognized organ, which could give authoritative information touching the war, our finances, and the general progress of the country. Such a journal ought to be independent of local politics. The newspapers which now give the best information on our affairs are organs of the liberal party, which, except in Belgium, is generally in opposition to the government, and their character for impartiality is, therefore, likely to be called in question. Its appearance would be opportune at this moment, when the popular belief in the unfavorable termination of our war has been so rudely shaken by the result of the presidential election.

While the determination thus evinced by the people of the United States to put down, at any sacrifice, the rebellion, must have great influence in determining a favorable policy of European governments towards us, that result would be likely to be more certain if we made an effort at this time for the enlightenment of the public in the direction indicated.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Sanford to Mr. Seward.

No. 230.]

LEGATION OF THE UNITED STATES,
Brussels, November 28, 1864.

SIR: The budget of foreign affairs was discussed in the house of representatives on the 25th and 26th instant, and was voted without exciting any discussion of moment. The appropriation for the mission to Mexico was duly

voted; one of the "liberal" members, M. Goblet, intimating, in reply to remarks of M. Kerry de Lettenhove in favor of the Mexican empire, that it was not then the occasion to discuss that subject; that they would vote the appropriation asked for, and reserve the expression of their opinion upon the character of the intervention in Mexico. To an inquiry by one of the members why a full mission was provided for to Mexico and not to the United States and Brazil, the minister of foreign affairs replied that they but returned the courtesy which had been made to them. As an envoy extraordinary and minister plenipotentiary had been accredited to them by the Emperor of Mexico, they proposed responding by the sending of one of the same grade to that country.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

PORTUGAL.

Mr. Seward to Mr. Harvey.

No. 117.]

DEPARTMENT OF STATE,
Washington, June 8, 1863.

SIR: Your despatch of May 5, No. 225, has been received. The success of the internal improvement system which the Portuguese government has adopted is justly a subject of felicitation. I entertain no doubt that the complete development of it will greatly increase the strength and enhance the prosperity of Portugal. For a nation to be without iron roads in these times is to be in the world, but not of it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 121.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of the 29th ultimo, No. 237, has been received and has been submitted for perusal to the Secretary of the Navy.

Your proceedings in relation to the movements of the rebel cruiser *Georgia* are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 123.]

DEPARTMENT OF STATE,
Washington, November 30, 1863.

SIR: Your despatch, No. 238, of the 4th instant has been received and will be submitted for perusal to the Secretary of the Navy.

Your vigilance in watching the movements of rebel cruisers, and your exertions to prevent their depredations upon our commerce, are cordially commended.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 124.]

DEPARTMENT OF STATE,

Washington, December 19, 1863.

SIR: Your despatch, No. 239, bearing date of November 11, and relating to Captain Winslow, of the United States steamer *Kearsarge*, has been received and a copy sent to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 128.]

DEPARTMENT OF STATE,

Washington, February 24, 1864.

SIR: Your despatch of January 24, No. 253, has been received, and I have taken great pleasure in making known to the Secretary of the Navy the proceedings which you have related by way of showing the good understanding which exists between the American and British naval officers in your vicinity. I shall in like manner make known to her Majesty's government your appreciation of the liberality and friendship of Mr. Magennis, the British minister at Lisbon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 129.]

DEPARTMENT OF STATE,

Washington, February 24, 1864.

Your despatches of January 15, No. 250, January 20, No. 251, January 22, No. 252, January 25, No. 254, January 27, No. 255, January 30, No. 256, and February 1, No. 257, have been received.

From these papers I learn that about the 14th of January last you received information, deemed reliable, that the British brig *Aggression*, laden with military supplies, was on her way to a rendezvous at the Azores, there to meet and transfer these supplies to piratical cruisers which are engaged in devastating the commerce of the United States on the high seas. That you represented this fact to the Duke de Soule, who thereupon promptly procured from his Majesty, the King of Portugal, the necessary directions, and caused them to be conveyed at once to the magistracy and other officers of his Majesty in the Azores, enjoining them to prevent and defeat the iniquitous design of the pirates. I learn, further, that the Portuguese government not only caused duplicates of those directions to be placed in the hands of the commander of the United States ship-of-war *St. Louis*, to be conveyed by him to their destination, but that the government also despatched a public armed vessel to intercept the pirates and prevent the intended violation of the neutrality of Portugal in her island possessions. I learn, further, that you gave instructions to the commander of the *St. Louis* to proceed to the Azores, and also gave to our consuls there the advice and directions which the exigency apprehended seemed to render necessary. These facts have been submitted to the President, and I have now the

pleasure of making known to you his approval and commendation of all that you have thus done. I am especially directed to sanction the terms in which you have expressed to the Duke de Soule your convictions of the satisfaction with which his proceedings would be regarded by the President.

You are well aware that the government and people of the United States have never ceased to regard the concession made by the European powers to the insurgents of a belligerent maritime character as a proceeding not less unfriendly and invidious than it was exceptional and unwarranted by the treaties existing between this country and those powers.

It has, as we believe, protracted what was merely ephemeral sedition, and invested it with the severe features of a deadly civil war. Although we think that we have shown to the world sufficient proofs that the attempted revolution is not only causeless, but criminal, and also that we have the ability to suppress it and save the integrity of the country, yet the maritime powers still adhere pertinaciously to the attitude they originally assumed, and thus persevere in derogating us from our position as a sovereign power to one of mere equality with citizens standing in armed rebellion against the government. The remembrance of this injustice may be expected to survive the contest itself, and to modify for a long time the sentiments of the United States towards the maritime powers. Every state must see that, if the United States survive this crisis, all the maritime powers must at some period, sooner or later, recede from the attitude of which we complain. It is equally manifest that some one of the states must take the lead in the path of reconsideration, and that the states which earliest return to their former relations with us will be esteemed hereafter as more just and generous than those who shall defer that return until a period when even their hostility would be harmless.

It is a matter of history that the United States have faithfully cherished through more than three-fourths of a century the memory of the favor and friendship they received from France, Spain, and Holland in the struggle which separated them from Great Britain. This insurrection is to them a trial quite as severe as that revolutionary contest was. It may well be expected that they will cherish the recollection of any just and generous conduct towards them on the part of foreign nations as faithfully and as gratefully as they have heretofore remembered the friendship of their first allies. Would such relations be worthless to Portugal? Has she anything to fear in now laying the foundation for them? If she should say that she is a small power, and her proceedings, whatever they may be, are unimportant, you may answer that the state which is first to correct the error which has been committed to our injury will by that very procedure increase its moral influence and importance in the family of nations, provided that it assume that stand before we shall by our own efforts, without foreign favor, have regained our accustomed and rightful position in the council of nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Seward to Mr. Harvey.

No. 131.]

DEPARTMENT OF STATE,
Washington, March 22, 1864.

SIR: Your despatches—No. 260, of the 20th ultimo, and No. 261, of the 22d ultimo—have been received. The latter has been referred for perusal to the Secretary of the Navy.

The promptness and energy manifested by the authorities at the Azores in carrying out the instructions of the home government concerning rebel cruisers which may seek to rendezvous at those islands is very satisfactory, and your own activity and vigilance in connexion with these matters is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Seward to Mr. Harvey.

No. 132.]

DEPARTMENT OF STATE,
Washington, March 28, 1864.

SIR: Your despatch No. 262, of the 28th of February, has been received, and has been read with much interest. The course of events subsequent to its date serves to confirm the correctness of the political intelligence which you have communicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Seward to Mr. Harvey.

No. 134.]

DEPARTMENT OF STATE,
Washington, March 31, 1864.

SIR: Your despatch No. 264, of the 10th of March, relative to the presence of the rebel cruiser Florida at Funchal, and her departure thence on the 29th of last month, has been received. The course of proceeding which you propose to adopt with regard to this matter is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Seward to Mr. Harvey.

No. 138.]

DEPARTMENT OF STATE,
Washington, May 26, 1864.

SIR: Your despatches Nos. 269, 270, 271, 272, and 273, dated respectively the 7th, 12th, 15th, 26th, and 30th of April, have been received.

The reasons you have presented in your No. 269 for not agitating at the present time the subject of a reconsideration of the policy adopted by the Portuguese government in regard to our civil strife are deemed satisfactory, and your course is consequently approved.

The attention of the Secretary of the Navy has been called to the complaints and suggestions contained in your Nos. 270 and 271.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Seward to Mr. Harvey.

No. 139.]

DEPARTMENT OF STATE,
Washington, June 18, 1864.

SIR: Your despatch of May 19 (278) has been received. While I agree with you that the means already taken by the royal government to stimulate the production of cotton within the Portuguese dominions are not such as are likely to be entirely successful, I think the policy itself is one which commends itself to general favor. It is very much desired that the world may never again be forced to depend on African slavery, especially African slavery in America, for the necessary staple of commerce.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

[Extract.]

No. 142.]

DEPARTMENT OF STATE,
Washington, June 30, 1864.

SIR: Your despatch No. 279, of the 24th ultimo, has been received. I have read the correspondence which accompanied it, and approve the course pursued by you in reference to the supplies which were furnished to the rebel cruiser Florida at Funchal in February last.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 143.]

DEPARTMENT OF STATE,
Washington, August 9, 1864.

SIR: Your despatches from No. 280 to 285, inclusive, have been received, and the political information which they communicate is interesting and instructive. Your prompt dissemination of the facts connected with the destruction of the Alabama was very proper, and I have no doubt it served a useful purpose.

The subject of your No. 285 shall receive consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 144.]

DEPARTMENT OF STATE,
Washington, August 12, 1864.

SIR: Your despatch of July 7, No. 286, has been received. I fully concur in your views in regard to the material and social benefits which Portugal is likely to secure through the extension of her system of railroads. She seems to be wisely improving the blessings of peace and internal tranquillity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. F. W. Seward to Mr. Harvey.

No. 146.]

DEPARTMENT OF STATE,
Washington, August 30, 1864.

SIR: Your despatches Nos. 287, 288, and 289, the last dated July 28, have been received. The change effected by you in the practice of the provincial authorities at St. Paul de Loanda, concerning the registers of American ships during their stay in that port, removes what must have been a serious inconvenience to our commerce in that quarter, and you have the thanks of the department for your efforts in this behalf.

Your observations relative to the proposed inter-continental telegraph to connect the eastern and western hemispheres, by the way of Behring's Straits, have been read with much interest.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 152.]

DEPARTMENT OF STATE,
Washington, October 31, 1864.

SIR: Your despatch of the 1st instant, No. 294, has been received, and I commend the promptness with which you used the means at your disposal for having a proper watch kept upon the movements of the suspicious steamer to which you refer as having been seen off the coast of Sicily.

Your communication has been submitted for perusal to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 153.]

DEPARTMENT OF STATE,
Washington, November 10, 1864.

SIR: Your despatch of the 6th ultimo, No. 295, has been received.

This government is without information from any other quarter relative to the proceedings at the Cape de Verde islands, to which you have called attention. It will, however, receive and consider any representations that may be made touching that affair.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 154.]

DEPARTMENT OF STATE,
Washington, November 29, 1864.

SIR: Your despatch, No. 296, of the 14th ultimo has been received, and I have commended to the Secretary of the Navy your suggestion as to the im-

portance of ready communication between our ministers abroad and naval officers of the United States on foreign stations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Seward to Mr. Harvey.

No. 155.]

DEPARTMENT OF STATE,

Washington, December 2, 1864.

SIR: Your despatch, No. 298, dated October 23, in relation to the suspicious steamer *Laurel*, has been received.

It will be proper for you to announce to the Portuguese government that her waters have been used for the equipment of another pirate to commit depredations upon the commerce of the United States, and that this is the result of a toleration on the part of Portugal, which is practically, though not intentionally, hostile to this government, which must be expected hereafter to act as its own safety shall require.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., &c., *Lisbon*.

Mr. Harvey to Mr. Seward.

No. 234.]

LEGATION OF THE UNITED STATES,

Lisbon, October 17, 1863.

SIR: I have the honor to acknowledge the receipt of your No. 118, covering a copy of a confidential despatch to our minister at Vienna in regard to the proceedings of the French government in Mexico.

There can be no doubt of the prudence and propriety of your instruction that we should abstain from discussion of the important questions connected with the present situation of Mexico until a more appropriate time and opportunity shall be presented by events which are now fast taking shape and substance. In fact, the policy of our government in reference to the states of the American continent speaks so emphatically for itself, and is so generally known and understood in Europe, as to require little of either explanation or representation on the part of its diplomatic agents abroad.

That policy is founded upon justice and right, and involves various obligations and duties. If foreign powers deliberately assail and violate it, they cannot be ignorant of the results which must sooner or later attend any such infraction. It is only natural that the people of the United States should feel a deep concern for the fate of Mexico, from immediate neighborhood, from the nature of her political institutions, and from the common destiny which may be regarded, in the not far future, as the hope and aspiration of both.

An occasion may possibly happen when it will be proper for that feeling to be affirmed formally and distinctly, and we will be better prepared to exercise an effective influence at the opportune moment by a becoming reserve until it occurs. Intelligent and candid opinion will not misjudge us for avoiding unnecessary complications that might weaken our position, impair the value of our co-operation, and, perhaps, injure the rightful claim of Mexico to the sym-

pathy and support of the friends of liberal institutions and constitutional government everywhere. Despotism rulers and the champions of absolutism have always regarded us with jealousy, disfavor, and distrust. Their instruments will be apt to pursue the work of misrepresentation until exhaustion succeeds to injustice. But if we continue wise in our conduct towards Mexico, experience may serve to correct some of these European errors, and to remove many delusions concerning the policy, purposes, and power of the United States.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 235.]

LEGATION OF THE UNITED STATES,
Lisbon, October 20, 1863.

SIR: The baptism of the royal prince (who is now heir apparent to the throne) was celebrated yesterday with great state and ceremony, and under the most favoring circumstances. All business was suspended, and the streets through which the royal cortège passed were tastefully decorated, while the presence of nine ships-of-war of the Italian navy in the Tagus, ornamented with the flags of all nations, made an effective pageant on the water. Our own sloop-of-war, the *St. Louis*, in compliance with my suggestion, united in the demonstration of respect and good feeling, and presented a fine appearance, which attracted general commendation.

In the afternoon the Italian Prince Carignan (cousin of King Victor Emanuel) and Prince Amédée, (second son of the King,) who had been sent here on a special mission of congratulation, received the diplomatic body, and expressed to me a most friendly interest in our affairs.

The day closed by a state dinner at the palace of the Ajuda, with one hundred and sixty covers, for the court, the diplomatic corps, the peers and deputies of the kingdom, and the municipal and other bodies. I took occasion to offer the President's felicitations on the birth of the Prince, in anticipation of the formal and customary communication, which were kindly and becomingly answered by the King.

An account of the ceremonial from the official paper, with a translation, accompanies this despatch for the files of the department.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

LISBON, October 19, 1863.

The christening of the heir apparent to the crown was solemnized to-day with the greatest pomp in the parish church of St. Justa. All the ceremonies of this solemn act were complied with, in conformity to the official programme published through the department of the interior.

His most serene highness, the prince royal, received the following names: Charles, Ferdinand, Louis, Marie, Victor, Michael, Raphael, Gabriel, Gonzaga, Xavier, Francis de Assiz, Joseph, Simon de Braganza-Savoy, Bourbon, Saxe-Cobourg-Gotha.

The godfather of his royal highness was his Majesty the King, Don Ferdinand II; and godmother, her Imperial Highness the Princess Dona Maria Clothilde, Thereza Louisa, represented by her excellency the duchess of Terceira.

The holy sacrament of baptism was administered by the most eminent cardinal the patriarch of Lisbon.

The sumptuous temple wherein were celebrated these august ceremonies of the baptism and the *Te Deum*, was richly and tastefully ornamented with rich and elegant draperies and hangings.

The church itself, so large and roomy, was completely thronged with all those who had been specially invited to the ceremony, the diplomatic corps, grandees of the realm, ministers of state, honorary and effective, and noblemen.

The guard of honor in attendance on the royal cortege was composed of a brigade of cavalry; the cavalry of the municipal guard was in attendance on the new-born prince.

All those places which had been illuminated on the occasion of the birth, again renewed, in a splendid manner, their lights and ornaments.

The public rejoicings could not be exceeded. The Portuguese people, ever ready in giving sincere and loyal proofs of the love they bear to their liberal dynasty, renewed these proofs in an enthusiastic manner on this day. In the evening a vast concourse of people thronged all the streets.

Don Pedro square, in spite of its size, was so crowded as to render it difficult to move therein. Many popular private bands of music circulated through the streets, followed by throngs, who frequently cheered, with enthusiasm, these sacred objects of the happiness and love of the Portuguese nation.

Up to the advanced hour of the night at which we are writing we are not aware of any occurrence to mar the general joy and good feeling.

This is doubtless the greatest eulogy that can be passed on this people.

Mr. Harvey to Mr. Seward.

No. 236.]

LEGATION OF THE UNITED STATES,
Lisbon, October 24, 1863.

SIR: The accompanying copy of a note from our consul at Funchal has just reached this legation. The United States sloop-of-war *St. Louis* is in port and undergoing repairs, after a cruise of four months; but even if she were in a condition to put to sea immediately, it is hardly necessary to say that a sailing ship is not adapted to the service of pursuit, which is now required. In fact, except for the moral effect of exhibiting our national flag in foreign waters, the presence of this description of vessels is of no practical value whatever. The piratical cruisers which have infested the ocean during the last two years, destroying commerce and pillaging promiscuously, have been encouraged by the impunity with which their ravages have been perpetrated, and the knowledge of our imperfect means of defence, as well as our inability to inflict proper punishment for their criminal proceedings. It is quite probable the Georgia and others of that class of cruisers will now renew their hostile operations on this side of the Atlantic.

I am quite ignorant of the condition of the United States steamship *Kearsarge*, which was recently at Brest for repairs, and which is the only public vessel within reach at all fitted for the exigency; nor am I informed of the orders under which her commander is acting; still I shall at once communicate to him the facts which have come to my knowledge.

It is quite desirable that the commanders of all the ships-of-war that are sent to this and neighboring places for the protection of commerce should keep the

diplomatic agents informed of their movements, so as to give better efficiency to the same; and I venture to suggest, as the result of some observation and experience in this matter, that the naval orders to commanders should be modified in regard to the limitation of their cruises within particular parallels of latitude, and that they should be generally instructed to go wherever the public interests demand their presence, upon sufficient information from our diplomatic or consular representatives.

If a rendezvous or point of concentration were established, where the condition and the movements of all the ships-of-war intended for these and the neighboring waters could be ascertained at a moment of need, it would be of substantial value. The want of a more perfect organization and concert in the small naval force abroad has been and is still felt. Stern and constant requirements at home have necessarily limited attention to this point, but the present indications of a renewal of outrages will doubtless attract notice to it immediately.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. True to Mr. Harvey.

UNITED STATES CONSULATE,
Madeira, October 19, 1863.

SIR: I have just received, per steamer Sampson, a letter from our consul at Teneriffe, saying that the confederate steamer Georgia, Captain Maury, had arrived there on the 15th instant from the Cape, having on board the captain and crew of the ship Bold Hunter, of Boston, burned by her at sea.

As he writes that she is taking on 300 tons of coal, and was to leave on the night of the 16th, and as this steamer seems to have changed her route for Lisbon, I deem it proper to advise you of these facts.

* * * * *

I am, sir, in great haste, yours, respectfully,

GEORGE TRUE,
United States Consul.

Hon. J. E. HARVEY,
United States Minister, Lisbon.

Mr. Harvey to Mr. Seward.

No. 237.]

LEGATION OF THE UNITED STATES,
Lisbon, October 29, 1863.

SIR: I have just received information that the rebel cruiser Georgia, the recent depredations of which are reported in my No. 236, boarded the British steamer Braganza, which arrived here yesterday, on Sunday last, about one hundred and fifty miles from this port. The Georgia was then proceeding to the northward and eastward.

I enclose a copy of a telegram which I have now despatched to Captain Winslow, of the United States steamer Kearsarge, at Brest. Being entirely ignorant of the orders under which he is acting, and knowing of the presence of the Florida at Brest, I did not feel at liberty to do more than give this information, supposing also that he has discretion or instructions for all such contingencies.

The sloop-of-war St. Louis is about to go to Cadiz for stores, which it appears have been sent there. I beg to say, in this connexion, again, what I have endeavored to impress before, that it is of the first importance to the public interests that our naval force in Europe should be so organized as to be available for these frequent emergencies. Cadiz is a pleasant port, presenting various attractions, which tempt our ships-of-war there much oftener than is needed for the good of the service. It is frequently difficult of entrance, and all officers agree that the opportunities of such intelligence as is wanted are far more limited than here, where greater advantages in every respect are offered. Our small strength abroad is thus frittered away by the want of some simple and systematic plan for its regulation, and without which it is really worse than useless, because large expense is incurred for its maintenance while no substantial benefit is conferred.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington City.

Mr. Harvey to Captain Winslow.

[Telegram.]

LISBON, October 29, 1863.

Rebel cruiser Georgia has been continuing outrages near Teneriffe. Was seen and boarded on Sunday last by Liverpool steamer Braganza, one hundred and fifty miles from here, steering northward and eastward in direction of British channel.

JAMES E. HARVEY,

United States Minister.

Captain WINSLOW,

United States war-steamer Kearsarge, Brest.

Mr. Harvey to Mr. Seward.

No. 238.]

LEGATION OF THE UNITED STATES,

Lisbon, November 4, 1863.

SIR: Our consul at Gibraltar has just telegraphed me, stating that the British schooner Emily Wilde was recently boarded by the rebel cruiser Georgia near Cape Finisterre. This information confirms that already communicated in my No. 237, and gives just cause for apprehension that the piratical depredations of this class of vessels will be renewed on this side of the Atlantic ocean.

I have also been notified by our agent in the Algarve district of this kingdom of the appearance off the coast of two steamers within a short time, the suspicious conduct of which led him to suppose that they intended to take shelter or seek concealment among the secluded indentations thereabouts, which are so favorable to, and which have been notorious heretofore for, nefarious enterprises. But his precautions, combined with a good understanding of the government officials, have thus far prevented their entrance into any of the small ports of that bad region. I have adopted, in concert with him, efficient measures to be informed immediately of any important change of circumstances there, and I will strive, should an unfavorable contingency occur, to act with effect and promptitude here.

British vessels are now, and have been for some time back, carrying coals to the remote harbors of the Azores islands, where limited vigilance is necessarily

exercised for the purpose of supplying steamers intending to run the blockade, and doubtless others also equipped for depredatory hostilities. If the state of the public service at home will admit of two fleet armed steamships being sent to these waters, they, with the Kearsarge, under proper direction, could readily be organized into a force sufficient not only for the protection of our exposed commerce, but competent to inflict punishment upon its criminal assailants. In such an event, it is particularly desirable that they should not be restricted by arbitrary limits in regard to their duties abroad, nor be absolutely independent in their movements.

If I had felt myself authorized to do so, I should most certainly have directed the Kearsarge to have proceeded forthwith to sea, upon being informed of the presence of the cruiser Georgia—the more so, as she is now said to be in excellent condition, and as the Florida, at Brest, according to a letter of one of the officers of the Kearsarge, which was submitted to my inspection, cannot be ready for sea before six weeks at least. It is possible, however, that the commander of the Kearsarge may have acted upon the information which I sent to him by telegraph a week ago, and previously by letter, in regard to the operations of the Georgia near Teneriffe.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 239.]

LEGATION OF THE UNITED STATES,

Lisbon, November 11, 1863.

SIR: I transmit with this despatch the copy of a letter which I have just received from Captain Winslow, commanding the United States steamer Kearsarge.

It is to be observed, to his credit, that he acted promptly upon the information communicated in my telegram, and I beg leave to request that this fact may be made known to the Secretary of the Navy.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Captain Winslow to Mr. Harvey.

UNITED STATES STEAMER KEARSARGE,

Brest, France, October 29, 1863.

SIR: I have the honor to acknowledge the receipt of your telegram. I shall sail to-morrow for the mouth of the Irish channel, in hopes of cutting off the Georgia.

The Florida is nearly ready, and my absence from this port must be limited to a few days. I regret that the government cannot order more vessels to Brest, as three channels make through the adjacent islands, rendering it almost impossible for one steamer to blockade the whole, &c., &c.

I have the honor to be, sir, very respectfully,

JOHN A. WINSLOW, *Captain.*

Hon. J. E. HARVEY, &c.; &c., &c.

P. S.—October 30. A gale of wind having set in, prevented me from going to sea to-day, but I shall go as soon as the storm abates.

Mr. Harvey to Mr. Seward.

No. 240.]

LEGATION OF THE UNITED STATES,
Lisbon, November 19, 1863.

SIR: The French chargé d'affaires delivered to the King on the 12th instant a special letter to the Emperor, containing an invitation to a congress of the states of Europe to be held at Paris, having in view, generally, an adjustment of the Polish and other questions which now menace the peace and political relations of this continent.

A council of state was held on the 17th instant, at which it was determined that Portugal should accept the invitation, and that fact was formally made known this morning and communicated to Paris. As the course of the different governments on this subject will, whether they be large or small, excite interest, I telegraphed Mr. Adams to inform the department of the decision.

The prompt response of Portugal has caused some surprise in those circles which have been accustomed to regard her foreign policy as being either inspired by the statesmen of Great Britain, or as resulting from the ties of interest, intercourse, and alliance with that power.

It has, however, seemed to my mind as but a natural and logical result of the proceedings which took place here last spring, when this government united with those of England and France in making representations to Russia concerning her internal administration in Poland, and took occasion also to emphasize its sympathy by encouraging a popular demonstration in that behalf, to which the King gave the sanction of his personal presence. At that period of time the ministry was hard pressed by the opposition, in and out of the Cortes, and its active zeal was, perhaps, stimulated by the hope of disarming a combination which then threatened its tenure of office.

The proposed congress is now much debated throughout Europe, according to the partialities or prejudices which have been evoked by that sudden suggestion. Every calm and intelligent observer of events must be impressed with the conviction that a solution of the existing difficulties can hardly be attained by any such conference, and simply because those difficulties lie at the very foundations upon which various governments rest. To uproot them is to prostrate if not to extinguish other nationalities in the name and with the profession of righting the oppressed, and of calling again into existence a nation which was stricken from the map of Europe by the criminal participation of some of the very powers which are now so vehement in condemning the conduct of Russia.

Let the door of general discussion as to the state of Europe be once thrown open, and the prediction may be confidently ventured that it can never be again closed in peace. Uncertain and menacing as the present is in all its aspects, agitated as the times are by the angry throes of a coming commotion, and heavily charged as the political atmosphere may be with storm clouds, still it is preferable to the almost certain and fierce explosion which would follow the severe shock of jarring elements, discordant rivalries, and revived animosities.

Hence, one of two alternatives seems to be probable—either that the congress will never meet at all, or, if it does meet, that it will separate leaving “confusion worse confounded.”

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 241.]

LEGATION OF THE UNITED STATES,
Lisbon, November 26, 1863.

SIR: I have received telegrams from various persons and from different quarters within the last week, all agreeing in the report that one or more armed rebel cruisers had appeared in the waters hereabouts, but without any such specific description as would lead to their identification.

If it were practicable for the Navy Department to detail two war steamers of proper speed and armament for special service in this vicinity, or to substitute them for the sailing ships now in Europe, I feel confident that, with efficient commanders and judicious direction, we should soon be able to terminate the career of those public enemies on the sea, which have heretofore proved so injurious to our material interests.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 242.]

LEGATION OF THE UNITED STATES,
Lisbon, November 28, 1863.

SIR: I have the honor to transmit herewith a note from our consul at this port relative to the presence of two suspicious steamers which have attracted some attention.

Mr. W. S. Lindsay, who is mentioned in this connexion, is a member of the British Parliament. He came to Lisbon to look after some personal interests in a steamship company which had become complicated, and after effecting a conditional arrangement of them, took passage to-day for England.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Munro to Mr. Harvey.

UNITED STATES CONSULATE,
Lisbon, November 27, 1863.

SIR: I have the honor to inform you that within the last few days two British steamers have put into this port apparently for coals, which I very much suspect are destined to run the blockade.

One of them, Presto, Captain T. J. Thomas, reported herself as coming in from Cork, via Corunna. Her burden is 165 tons and 160 horse-power, with a crew of twenty-six, all told.

I have strong reasons to suspect that her owner is, in part or in whole, Mr. William S. Lindsay. This person, who is now here, has been on board of her several times, and she is consigned to his acknowledged agents in Lisbon, E. P. Bastos & Co. The Presto has cleared, and starts to-day for Bermuda. She brought no cargo, and carried away coals for the voyage.

The other, the Triton, Captain J. W. Smith, came in on the 24th instant from Liverpool, and is bound to the Havana. Her burden is 228 tons and 70 horse-power. Her crew consists of twenty-five men, all told. She likewise brought no cargo; consigned herself to the consul, and goes away in coal ballast.

There is nothing remarkable or characteristic in any of these steamers, which are both screws, schooner rigged, and painted black all over.

I have the honor to remain, very respectfully, sir, your obedient servant,

C. A. MUNRO,

Consul United States of America.

HON. JAMES E. HARVEY,

U. S. Minister, Lisbon, Portugal.

Mr. Harvey to Mr. Seward.

No. 245.]

LEGATION OF THE UNITED STATES,

Lisbon, December 20, 1863.

SIR: The distant colonial authorities of this government have on various occasions, and in different ways, thrown impediments in the way of our commerce, so as to affect injuriously and unjustly numbers of enterprising merchants, who find themselves without any remedy on the spot, and who have no other mode of redress but by protest against oppressive exactions, and through an appeal to the representative of the United States at Lisbon.

Not wishing to subject the department, which is already sufficiently burdened with more important affairs, to the necessity of giving instructions in plain cases admitting of little, if any doubt, and in order also to avoid delay, I have, of my own accord, addressed the minister of foreign affairs on these subjects, as they were brought to my notice, and in some instances with the desired effect. Several cases are now pending which involve a simple interpretation of parts of our treaty with Portugal and the commercial rights under it, as they have been defined by usage in his Majesty's colonies, and by the practice of other nations.

I deem it proper to submit to your inspection the copy of a note which I have just addressed to the Duke de Soulé in one of the most important of these cases, which in principle affects a large American interest engaged in legitimate trade with the coast of Africa.

The local authorities are much too often high-handed and arbitrary in their proceedings, and it was quite necessary that his Majesty's government should know frankly that such was the estimation of their conduct, in order to produce any effect whatever upon their superiors here, who are almost habitually inclined to depreciate the value of these matters.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,

Secretary of State.

Mr. Harvey to the Duke de Soulé.

LEGATION OF THE UNITED STATES,

Lisbon, December 18, 1863.

SIR: I have the honor to submit to your attention a case which affects in principle a considerable trade between the United States and the possessions of

his Majesty in Africa, and which also involves an interpretation of the treaty of commerce existing between Portugal and the United States. The following narrative presents the material facts:

The American brig *Morning Light* sailed from Boston in the month of January last for St. Paul de Loanda and a market, with a full cargo of American merchandise consigned to A. A. Silva & Brothers, American merchants; her manifest was officially certified to that effect by the Portuguese consul at Boston. Upon arriving at St. Paul de Loanda part of the cargo was disposed of and discharged; the brig then proceeded to the island of St. Helena with a manifest for the remaining portion of the cargo furnished by the Portuguese collector of the customs at St. Paul de Loanda. At St. Helena some of the remaining cargo was discharged, and the rest was returned to St. Paul de Loanda, being certified by the Portuguese consul at St. Helena as forming a part of the original manifest, which in fact had never been taken from the ship, and which was constantly covered by the flag of the United States, and verified as American merchandise by the Portuguese officials throughout.

The customs authorities of his Majesty's government at St. Paul de Loanda demanded and received full duty upon the remainder of the cargo on the alleged ground that the continuation of the voyage to St. Helena divested the ship of the reciprocal right which American merchandise acquired under the treaty of commerce, that is to say, a reduction of one-third of the regular duty under the clause which places American commerce on the footing of "the most favored nations."

The governor general at St. Paul de Loanda, who assumed to make this decision in contravention of what, I am advised, was the practice under his predecessor, Governor Amaral, admits, in a note to the commercial agent of the United States, that the case in question is not positively determined by law, and therefore that he refers the protest which that officer made on behalf of the merchants to the superior authority at Lisbon.

This simple statement of the facts would seem almost sufficient in itself to justify a revision of the governor's decision by his Majesty's government. The treaty of commerce confers reciprocal privileges intended to promote trade between the two countries, and not to interrupt it by far-fetched and technical constructions violative of the spirit and purpose of that high obligation. In the particular case under consideration the utmost pains were taken to comply strictly and faithfully with the letter and intention of the treaty. The original manifest of the merchandise was certified by his Majesty's consul at Boston; when part of the cargo was discharged at St. Paul de Loanda the remainder was certified by his Majesty's collector at that port; and, finally, when another portion of the same cargo was discharged at St. Helena the rest of the cargo was again certified by his Majesty's consul there as being the residue of the original manifest. From first to last it preserved the same nationality, was protected by the same flag, and was verified as such by his Majesty's officers. No attempt is made to dispute these facts, but the governor general claims substantially that the incidental voyage to St. Helena changed the whole character of the vessel and cargo, and, therefore, subjected the merchandise to an invidious discrimination, which the treaty of commerce was made to provide against. He treats this vessel as if she had taken in a new cargo at a foreign port, and had appeared at St. Paul de Loanda in that aspect only. In such a case his decision would have been justified. In the present one it is inconsistent with reason and with the treaty.

The course of trade between the United States and his Majesty's possessions in Africa is for ships to clear with assorted merchandise for a port like St. Paul de Loanda and a market. The reason of this is that there is not usually demand enough for a whole cargo at any one of the African ports. This voyage is long and attended with hazards. If by stress of weather, or by other causes,

a ship regularly engaged in this commerce should be driven into an intermediate foreign port, her cargo under the governor's decree would be liable to an increase duty from that cause only, for the principle is precisely the same, since he rests the case of the *Morning Light* upon the ground that the vessel had entered a foreign port, and it is not pretended that the remaining cargo had been removed or renewed.

I submit, with all respect, that the governor general has no power to denationalize American commerce in this arbitrary manner, and I feel confident that his proceeding will not be sustained.

The commerce between various ports in the United States and the African possessions of his Majesty's government has been steadily increasing for years past, and is now of importance to both sides. Its continued prosperity depends, to a great extent, upon the fair and upright conduct of officials who are far removed from the immediate supervision of the central government. Subordinates elsewhere have, by capricious and extreme measures, broken up an American trade in one of her Majesty's colonies which was rapidly growing into value, and a similar result is now threatened at Loanda by a system of illiberal and harsh dealing on the part of the local authorities towards American merchants.

I avail myself of this opportunity to renew the assurances of my most distinguished consideration.

JAMES E. HARVEY.

His Excellency the DUKE DE SOULÉ,
Minister of Foreign Affairs, &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 246.]

LEGATION OF THE UNITED STATES,
Lisbon, December 27, 1863.

SIR: I transmit with this despatch the copy of a letter from the United States consul at Funchal, giving information concerning various suspected vessels, which will doubtless be communicated to the Navy Department.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. True to Mr. Harvey.

FUNCHAL, MADEIRA, *December 23, 1863.*

SIR: I take occasion per this steamer to inform you that a screw steam vessel called the *Modgo*, and pretending to be a yacht, arrived here a day or two ago from Falmouth, and is still in port. She has no look of a yacht, but rather of a strong serviceable brigantine sailing vessel, with steam power added. She looks rather rough and untidy, being a wooden vessel, and has a large house on deck, apparently a temporary fixture; she has, also, four small boat swivel-guns mounted on her bulwarks. Her destination is given out as Porto Cabello, and she manifests four passengers, one of whom is a lady. I have as yet found no one who knows who they are, and the affair looks sufficiently mysterious to lead me to advise you of it, and to suggest that inquiries be made

through our consuls at Falmouth, Plymouth, and Portsmouth, and a lookout be kept for her in West India waters. She might be made a very troublesome little cruiser by pitching the deck-house overboard and mounting a pivot-gun in its place.

I do not think that the craft is, *as yet*, prepared for such work, but it seems to me that she might be. She is about a 150 tons, brigantine, or brig, schooner-rig—stern rather old style, having been ornamented once with carving and gilding, which is now painted out; semi-clipper bow, with a little gilding; very square yards; black funnel close before mainmast; quarter-boats slung pretty high, and one of them varnished wood-color.

We have had for some time in port the Dublin steamer *Man*, which has procured coal at last on *bottomry* bond, and will leave to-day probably for Nassau. Last night the fine paddle-steamer *Nutfield*, only a little over four days from Plymouth—one of the quickest trips on record—arrived here. She is about the size of the famous *Calypso*, and may prove as troublesome a customer.

Yours, very respectfully,

GEORGE TRUE,
United States Consul.

Hon. JAMES E. HARVEY, *Lisbon.*

Mr. Harvey to Mr. Seward.

No. 248.]

LEGATION OF THE UNITED STATES,
Lisbon, January 2, 1864.

SIR: The regular session of the Cortes was opened to-day by the King in person. I transmit herewith a copy of the royal speech, with a translation of the same.

The most noticeable feature of the discourse, when taken in connexion with the King's answer to the invitation of the Emperor Napoleon III to a European congress, is an evident leaning toward a French alliance, which, however, is subject to those transitions that seem to be a part of all sudden affections which have no higher impulse than capricious change.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Worthy Peers of the realm and Messieurs Deputies of the Portuguese Nation:

In the constitutional existence of nations there is not a more solemn meeting than that of their legitimate representatives, when the fundamental code calls them to the exercise of those high duties committed to their care by public confidence and the law of the state. In commending thus the legislative task of the session about to be opened, I affectionately salute the representatives of the nation, and cordially associate my wishes to the developments of their serious duties.

During the six months which have elapsed since the closing of the previous session it hath pleased Divine Providence to fill up the measure of my domestic happiness, and at the same time to offer to my country and its institutions a hope and an assurance of stability. The rejoicings which the birth of the prince royal, Don Carlos, occasioned in my household and in the country, in my

family as a man, and in my family as a king, were much enhanced by the agreeable surprise and unexpected visit of the august Empress of the French, as well as by the presence of the most serene princes of the royal house of Italy, their highnesses the Prince de Carignan and the Duke de Aosta.

During my recent visit to a part of the northern provinces the expressive and enduring proofs of love manifested everywhere by the people towards me and my much loved spouse, whilst overflowing my soul with the purest satisfaction, made me feel that it is my duty to reciprocate such loyal sentiments by constant care and solicitude. To this end I pray to God, and for this I hope that the supreme wisdom will inspire me, and the supreme strength will uphold me, within the sphere of my duties as constitutional king.

I continue to receive from the sovereigns, my allies, evident proofs of a good understanding and friendship, thus drawing closer together the relations between Portugal and the respective powers.

From his Majesty the Emperor of the French an invitation was sent, to the effect that Portugal take a part in a European congress destined to prevent war—a new and most noble principle, which, whatever may now be the result, unquestionably inaugurates a marked progress in international policy.

It being my duty to reply to the gracious and flattering letter of the Emperor, and having previously consulted the council of state in scrupulous observance of the constitution, I accepted, without hesitation, under the conviction that if the right of power belongs to all predominating nations, the force of right and law alone belongs to all nations which possess a lesser predominating power.

The necessary works for following up the railway lines undertaken in the north and south have been carried on with activity and perseverance, and the conclusion thereof will be effected very soon.

In order to realize these works, to carry on the ordinary roads, to increase naval constructions, to accelerate other works of undoubted public utility, to comply, in fine, with so many although so very useful undertakings, a loan of £2,500,000 sterling, nominal, was raised in the London market under more advantageous conditions than any other previous operation of a like nature, and these conditions, together with the ready concurrence of capital thereto, fully show the marked improvement in public credit.

The general accounts of the state have been organized and regulated, an essential step towards effecting the auditing of the financial operations of the government, and this will, no doubt, tend to consolidate public credit.

All the legislation relating to the sale of national property, remission, and sales of land, rent, and capitalization, has been collected into a code.

The organizing of the army has been decreed, as well as the military administration, and all schools dependent on the war department.

On the 30th December last the works for the fortifications of Lisbon were inaugurated at the hill of Monsanto.

The criminal registry has been organized in all the colonies; the parochial registry was established, and in Angola a reform was introduced in the administration of the property of deceased and absentees.

The committee named to revise the project of a general regulation of the law of mortgage continues its task in an assiduous manner, and to complete its important investigations and studies much time and attention will necessarily be required.

My government will present to you the budget of receipts and expenditure of the state, including all innovations suggested by experience, and with a division of the income and expenses into ordinary and extraordinary, thus allowing a more clear and better appreciation of the same, without introducing any indefinite authority or power to raise funds and submitting to parliamentary vote the fixing of the receipts and expenses of all kinds. By this budget you

will observe that, notwithstanding the diminution of 10 per cent. in the deduction on the pay of public employes, the ordinary income fully covers the ordinary expenses, thus attesting a marked improvement in the financial conditions of the country.

The budget for the colonial provinces, made up as much as possible under the same system and principles, will be ready in a short time, it now only awaiting the work of the local juntas, which has been delayed by the great distances from the kingdom.

Besides the several important subjects which remained pending since the last session, especially such as refer to public instruction, administration, and police, all which will no doubt receive the benefit of your enlightened zeal and co-operation, the ministers of the respective departments will submit to you, among other measures, the proposals for the abolition and substitution of the pain of death, and the corresponding modification in the penal code; the reform in the commercial code with regard to the form of process; for the abolition of the tobacco monopoly, establishing a free manufacture and sale in the kingdom and its culture in the Azores and Madeira islands; for improvement in sanitary laws; for a reform in sundry branches of public instruction; for the reorganization of public charities; for the remodelling of the consulates of the empire of Brazil; for a reform in the law of mines; for a reduction of the tariff of telegraphs; for a reform in the police service of the ports and on the coasts; for modifying the naval recruiting; for the approval of a national colonial bank; to regulate the pensioning of colonial employes; to improve the condition of the same whilst in actual service; for sundry reforms concerning the better application of public instruction in those provisions; for the attorney generalship at Macao, and sundry other special measures in the colonial provinces.

The government will likewise render you an account of the use made of the several authorizations confided to it, and will submit, for your approval, the decrees relating to the colonies, which were published in virtue of the additional act of the charter.

I trust that with the Divine help you will accord all your care and patriotic attention to the public requirements, and to the examination of the grave questions of economy and administration which require to be enlightened and decided upon, for the honor of the nation, for the credit of our institutions, for the improvement and aggrandizement of our country, and for the glory and prosperity of this nation so worthy of all solicitude.

The session is hereby opened.

Mr. Harvey to Mr. Seward.

No. 251.]

LEGATION OF THE UNITED STATES,
Lisbon, January 20, 1864.

SIR: The accompanying copy of a note from the Duke de Soulé, in answer to one which I addressed to him on the 14th instant, in reference to the army of piratical cruisers in Portuguese ports, was only received last night, though dated on the 16th instant.

This reply necessarily precludes any further representation on my part to his Majesty's government at the present point of time; but if an occasion should occur, as I hope it may not, I shall not hesitate to discharge the duty which a change of circumstances may require.

If the authorities of the island now act in good faith and with sufficient resolution, the armed cruisers which seek those remote ports for military supplies will be foiled in their iniquitous designs, and our commerce will be spared a renewal of the criminal depredations to which it has been heretofore subjected.

In order to provide as much actual assistance as is at my disposal here to second the moral efforts of the government in affording the desired protection, I have requested the United States sloop-of-war *St. Louis* to sail immediately for the Azores and for Teneriffe, with a view of intercepting the cruisers in question.

These measures of precaution and prudence exhaust all the resources which may be commanded for this emergency; and if they are less perfect than they should be, the inadequacy may not be attributed to any want of vigilance or care on the part of the legation, for it has been my duty to make repeated suggestions, derived from actual experience, concerning the indifferent organization of our small naval force in Europe, in the hope that they might attract the attention of the proper department sufficiently to correct, at least, those manifest imperfections which have produced injurious results.

It is not difficult to understand why, with the stern and urgent demands at home, this naval force has not been augmented, but the same reason would not seem to apply to an increase of its efficiency by means of a more thorough and practicable disposition of the ships already in Europe.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Duke de Soulé to Mr. Harvey.

DEPARTMENT FOR FOREIGN AFFAIRS,

January 16, 1864.

I have had the honor of receiving the note which you were pleased to address me under date of the 14th instant, making known to me the information you had received, that the English bark *Agrippina* was carrying to the Azores a cargo of munitions of war for the supply of confederate cruisers.

Being thus apprised of the contents of your aforesaid note, it is my duty to inform you that, under this date, I address the ministers of the interior, finance, war, and navy departments, in order that, with all urgent speed, they may adopt the most energetic measures to prevent the furnishing of such articles to confederate vessels.

I avail of this opportunity to renew the assurances of my most distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 252.]

LEGATION OF THE UNITED STATES,

Lisbon, January 22, 1864.

SIR: I communicate herewith a copy of suggestions made to Commander G. H. Preble, in regard to the movements of the United States ship *St. Louis*, for the protection of our commerce and other interests which are now menaced by cruisers in the service of the insurgents.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Commander Preble.

LEGATION OF THE UNITED STATES,
Lisbon, January 22, 1864.

SIR: Having communicated with his Majesty's government upon the matter of information contained in your letters of the 10th and 13th instant, addressed to this legation, there is no reason, within my knowledge, why the *St. Louis* should be detained longer in port.

On the contrary, it is desirable that she should proceed immediately to the Azores for the protection of our exposed commerce and interests, guided by the information which you already possess, or which you may hereafter receive. The island of Terceira requires particular vigilance.

It is also desirable that the island of Teneriffe should be included in your proposed cruise. These suggestions will be made known to the Navy Department at Washington.

I am, sir, your obedient servant,

JAMES E. HARVEY.

Commander G. H. PREBLE,
United States Steamer St. Louis.

Mr. Harvey to Mr. Seward.

No. 253.]

LEGATION OF THE UNITED STATES,
Lisbon, January 24, 1864.

SIR: A formidable iron-clad squadron of her Britannic Majesty's service, under the command of Rear-Admiral Dacres, is now lying in the Tagus, and attracts much notice. Its stay here will be determined by the turn of events in northern Europe.

It gives me pleasure to state, in view of an unpleasant occurrence last year, that the best feeling exists between the officers and seamen of that squadron and those of our own ship, the *St. Louis*; and that every mark of official and personal courtesy has been shown by the former, and responded to by the latter, to extinguish the recollection of an incident which, for no fault of the British admiral, occasioned much bad blood at the time.

As illustrative of this friendly disposition it may be mentioned that our consul called at the admiral's ship a few days since to make that officer a personal visit of acquaintance, but not finding him left a card, without even going on board. The American flag was immediately hoisted and saluted with appropriate honors.

To myself personally every facility for examining these interesting ships has been extended, with such a cordiality and marked respect to the legation that I should be remiss in duty in not presenting the fact to the notice of the department. And in doing so I ought to add that the British minister here, Sir Arthur C. Magenis, has always manifested towards me a spirit of candor, kindness, and friendship, which, with our radical difference of political views, has impressed me in the manner which such high-minded conduct should do a proper man. Indeed I may say that every British official at Lisbon, without exception, has exhibited the same good will, and under circumstances which gave such tokens increased value in my estimation.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 254.]

LEGATION OF THE UNITED STATES,
Lisbon, January 25, 1864.

SIR: It will be seen by the enclosed copy (in translation) of a note from the Duke de Soulé, and the royal portario which accompanies it, that the hope and confidence which I ventured to express in my No. 250 as to the effect of a note addressed to him on the 14th instant, regarding the movement and designs of certain piratical cruisers, were not merely speculative. This government seems to have been awakened to a sense of its responsibility, and the consequences that might result from a neglect of plain and upright duty.

A great point will be gained if these hostile cruisers can be effectually shut out of the retreats which they seek at the mid-ocean islands, to recruit and equip for the destruction of our commerce, and I believe this last measure will be effective for that purpose. But if any other proceeding or precaution shall be suggested by experience as necessary, it will be my duty to urge it promptly and firmly.

The United States sloop-of-war St. Louis sailed yesterday (Sunday) morning, bearing the official despatches of this government on the subject to all the civil governors of the different islands.

I communicate, also, herewith, a copy of my reply to the Duke de Soulé.

I have the honor to be, sir, your obedient servant.

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

The Duke de Soulé to Mr. Harvey.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
January 23, 1864.

With reference to the note which you were pleased to address me, under date of the 14th instant, requesting that preventive measures might be adopted with regard to the English bark Agrippina, which, according to information, purposed carrying to the Azores a cargo of munitions of war for supplying the confederate cruisers, it is my duty to inform you that the minister of the interior has advised me, in his communication of the 20th instant, as having forwarded, on that same date, to the civil governors of the districts of the Azores and Madeira, a portario, of which a copy will be found enclosed.

By the contents thereof you will perceive that proper instructions have been furnished to the aforesaid authorities to enable them to thwart the intentions and speculations of all corsairs inimical to the United States.

These same orders may, for greater speed, be forwarded by the corvette St. Louis, as you propose; and to this end I have the honor of transmitting the same to you to be sent to their destination.

I avail myself of this opportunity to renew the assurance of my most distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

[Translation.]

MINISTRY OF THE INTERIOR—SECOND DEPARTMENT.

ROYAL PALACE, *January 20, 1864.*

The enclosed authentic copy of a note from the minister of the United States of America at this court having made known that the English bark *Agrippina* contemplates carrying to the Azores a cargo of munitions of war for supplying confederate cruisers, which are to go there to receive them, in order to continue their depredations on the commerce of the United States in the same manner as the aforesaid bark did before, in 1862, in the Bay of Angra; and it being further made known that the parties implicated in these nefarious undertakings propose to establish a regular depot in one or more of the smaller ports in the said islands, with the view of organizing therein armed expeditions hostile to the aforesaid United States, his Majesty the King desires that a knowledge of the above be communicated to the civil governor of the district of Angra de Heroismo, and ordains that, taking into his most serious consideration the contents of the above-mentioned note, and the reclamation therein contained, the said civil governor shall adopt all such measures as may be necessary to completely put a stop to the aforesaid designs and intentions on the part of the enemies of said United States; and for this purpose he is to co-operate with the directors of custom-houses and captains of ports within the district under his charge, so as to act with a mutual accord, to which effect orders, with strong recommendation, have been sent to them through the respective departments. An immediate account is to be rendered, through this department, of all that may be done or put into practice on this subject, with the understanding that his Majesty makes the civil governor and his subordinates responsible for any neglect or omission in such a grave and delicate affair.

DUQUE DE SOULÉ.

True copy:

OLYMPIO JOAQUIN DE OLIVERIA.

DEPARTMENT OF FOREIGN AFFAIRS,

January 23, 1864.

True copy:

EMILIO ACHILLES MONTEVERDE.

Mr. Harvey to the Duke de Soulé.

LEGATION OF THE UNITED STATES,

Lisbon, January 25, 1864.

SIR: I have had the honor to receive your note of the 23d instant, communicating a copy of a portaria; addressed to the civil governors of the Azores and Madeira, founded upon representations made by me in reference to the designs and movements of certain piratical cruisers, reported as intending to rendezvous and equip at the island possessions of his Majesty, against the commerce of the United States.

It is my duty and pleasure to say that the instructions contained in that portaria are consistent with the friendship and good feeling which have so long and happily subsisted between Portugal and the United States, and which it is to be hoped may not only be still longer continued, but united even more closely and strongly.

The United States ship *St. Louis* sailed yesterday for the Azores direct, intending subsequently to touch at Madeira. Her commander is charged to deliver personally the despatches to the various authorities at the islands, which your excellency, at my suggestion, addressed to my care.

I avail myself of this opportunity to tender the assurances of my most distinguished consideration.

JAMES E. HARVEY.

His Excellency the DUKE DE SOULÉ,
Minister and Secretary of State for Foreign Affairs.

Mr. Harvey to Mr. Seward.

No. 255.]

LEGATION OF THE UNITED STATES,
Lisbon, January 27, 1864.

SIR: In addition to the papers already communicated, having relation to my recent correspondence with the Duke de Soulé, in regard to certain threatened depredatory expeditions of the insurgents, I received another note from him yesterday, of which a copy in translation is transmitted with the present despatch.

The unusual zeal and energy exhibited on this occasion have excited comment proportionate to the general surprise, but have been accepted by me as being nothing more than a desire on the part of his Majesty's government to act uprightly and effectively.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Duke de Soulé to Mr. Harvey.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
January 23, 1864.

In addition to my note of this day's date, I have the honor of informing you that through the Navy Department the most positive orders have been transmitted to all the authorities dependent on the said department, in the sense of your note addressed to me under date of the 14th instant, and that probably a man-of-war will start for the Azores to aid the aforesaid authorities.

I avail of this opportunity to renew the assurances of my most distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 256.]

LEGATION OF THE UNITED STATES,
Lisbon, January 30, 1864.

SIR: The Duke de Soulé addressed me a fourth note (of which a copy in translation is enclosed) yesterday on the subject of my recent representation, and from which it appears that the entire authority of every department of his

Majesty's government has now been seriously and energetically invoked to prevent rebel cruisers from arming or equipping in the island ports of this kingdom.

I have reason to know, also, that his Majesty's fine war steamer the *Mindello* was despatched to the Azores yesterday to give practical effect to these assurances, which, besides being a gratifying fact to me in my official capacity, is a source of great personal satisfaction, because it was intended as a substantial token of good will in both respects.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State.

The Duke de Soulé to Mr. Harvey.

[Translation.]

I have the honor of informing you, in addition to my notes of 23d instant, that the minister of finance informs me, in a communication of the 20th instant, that on the same day the most positive orders were being sent to the directors of custom-houses in the Azores islands, to the effect of their adopting, under the severest responsibility, all such measures as may be within their reach, to prevent confederate vessels from supplying themselves with munitions of war in the customs-ports of said archipelago.

It is my duty further to inform you that the minister of war has advised me, under that same date, that notwithstanding the orders already transmitted to the general commanding the 10th military division, which were communicated to you on the 2d December, 1862, he now again recommends the aforesaid general to employ the utmost vigilance, and to give his most positive orders, so as, by co-operating with all the other local authorities, to frustrate all plans and attempts of the confederates, and thus maintain a vigorous compliance with the decree of July 29, 1861.

I renew on this occasion the assurances of my most distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 257.]

LEGATION OF THE UNITED STATES,

Lisbon, February 1, 1864.

SIR : I have the honor to submit a copy of instructions, which it seemed to me proper to issue to the United States consuls at the Azores, Madeira, and Cape Verde islands, in view of the recent correspondence with this government, and in order also that every means might be exerted to guard, as far as may be practicable, against the threatened dangers to our commerce.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State.

From Mr. Harvey.

LEGATION OF THE UNITED STATES,

Lisbon, January 30, 1864.

SIR: From information communicated to this legation, there is reason to apprehend that a rendezvous has been appointed at the Azores or other islands of this kingdom between certain rebel cruisers now in France and various vessels under the British flag, one of which is called the bark Agrippina, for the purpose of receiving military supplies with a view of renewing depredations upon the commerce of the United States.

That fact has been made known to his Majesty's government, by which efficient steps have been taken to prevent the menaced outrages.

In order that you may be more fully informed of the dispositions entertained here, and thus be better prepared to co-operate more effectively and harmoniously with the local authorities, I transmit herewith a copy of a royal portaria on this subject.

The necessity of frank and cordial concert with all the authorities in regard to suspicious vessels is enjoined by the peculiar circumstances of the situation, by duty to our own government, and by good faith towards as well as respect for that of his Majesty.

The *Mindello*, a Portuguese war steamer, has been despatched to the islands to assist in carrying out these measures, and to aid in giving the desired protection. It is to be hoped that every proper courtesy will be extended to the officers of that ship by the representatives of the United States at all the ports where she may touch, so as to testify the appreciation of our government for an act of exceptional zeal and good will in behalf of the interests of its citizens.

All agents of the United States connected with your consulate should be forthwith directed to exercise unusual vigilance, and to report every fact in any way bearing upon the matter of instruction. It is also desirable that you should make known promptly to this legation whatever information may be received.

I am, sir, your obedient servant,

JAMES E. HARVEY.

C. W. DABNEY, Esq.,
United States Consul, Fayal.

GEORGE TRUE, Esq.,
United States Consul, Funchal.

W. H. MORSE, Esq.,
United States Consul, Cape Verde.

Mr. Harvey to Mr. Seward.

No. 258.]

LEGATION OF THE UNITED STATES,

Lisbon, February 2, 1864.

SIR: I transmit herewith the copy of a note (in translation) which the Duke de Soulé has addressed to me, stating that the Portuguese war steamer *Mindello* had been despatched to the Azores to carry out practically the recent assurances of his Majesty's government of an intention to prevent the arming or equipment of piratical cruisers in Portuguese ports against the commerce of the United States.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

The Duke de Soulé to Mr. Harvey.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,

January 29, 1864.

In addition to the notes I addressed you on the 23d and 26th instant, I have now the honor to inform you that on the 26th instant the Portuguese steamer-of-war Mindello left this port bound for the Azores, in order to superintend the execution of the orders transmitted to the respective authorities regarding the punctual compliance with the decree of July 29, 1864.

I renew, on this occasion, the assurances of my distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 260.]

LEGATION OF THE UNITED STATES,

Lisbon, February 20, 1864.

SIR: My No. 245, of the 20th of December, presented to your view, by means of the copy of a note which I had addressed to the Duke de Soulé, various embarrassments to which our trade with the African ports of this kingdom had been subjected in consequence of certain prejudicial discriminations imposed by the provincial authorities of his Majesty's government in levying duties upon American merchandise.

As soon as the minister for foreign affairs informed me that the subject would be referred to the general council of the customs at Lisbon to determine upon the construction to be given to that clause of our treaty under which this question had arisen, I felt it necessary and proper to address him a second note, of which a copy is now transmitted, setting forth very plainly that if the rigid and forced interpretation adopted by the provincial authorities to the detriment of our commerce was sustained, we should be obliged to apply a similar rule to the production and manufactures of Portugal.

I have now the pleasure to communicate a note from the Duke de Soulé, in which he informs me that the general council of the customs has given a decision conforming to the views expressed by, and the representations made from, this legation, and that two-thirds of the full duty only will be assessed upon all merchandise from the United States which may be entitled to claim that advantage under the treaty as it is now clearly understood.

This decision is of importance to large interests in the New England States connected with the regular and legitimate African trade, and which have been much deranged for a year past by the proceedings of officials who applied the revenue regulations illiberally and arbitrarily. A fresh and favorable impulse will now be given to enterprise in that direction by the removal of obstacles which crippled the expansive energies of commerce.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,

Secretary of State.

Mr. Harvey to the Duke de Soulé.

LEGATION OF THE UNITED STATES,
Lisbon, December 31, 1863.

SIR: I have the honor to acknowledge the reception of your note of the 28th instant, stating that the subject of a representation made by me on the 18th instant had been referred to a general council of the customs, and is now under deliberation.

It is proper for me to observe in this connexion, in order that the council of customs may fully consider all the bearings of the question, that if the decision of the authorities at Loando be sustained, the government of the United States will be constrained, in self-defence, to apply an equally rigid rule to the productions and merchandise of Portugal which now enter into the trade between the two countries.

The forced technical construction of the treaty by the authorities at Loando differs from the interpretation and practice heretofore adopted at the same place, and not only divests the certificates of Portuguese consuls of any substantial value, but attempts also to deprive American commerce of the benefits which it is entitled to enjoy under the treaty, and which have not been disputed until now.

I avail myself of this opportunity to renew the assurances of my most distinguished consideration.

JAMES E. HARVEY.

HIS EXCELLENCY THE DUKE DE SOULÉ,
Minister of Foreign Affairs.

The Duke de Soulé to Mr. Harvey.

DEPARTMENT OF FOREIGN AFFAIRS,
February 16, 1864.

I have the honor of informing you, in reply to the note which you were pleased to address me under date of 31st December last, that the minister of the navy department has communicated to me on the 13th instant that, in conformity with the opinion given by the general council of customs regarding the question raised in Loando between the American merchants Silva & Brother and the custom-house of that city, a "portaria" has been forwarded to the governor general of the province of Angola, in order that the goods to which you allude in your above-mentioned note shall be charged with two-thirds of the respective duty, according to sections 2d and 7th of article 1st of the tariff at said custom-house, and in conformity to the treaty between Portugal and the United States.

I renew, on this occasion, the assurances of my most distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 261.]

LEGATION OF THE UNITED STATES,
Lisbon, February 22, 1864.

SIR: Information has just reached me by the packet from the Azores that the authorities of those islands have manifested the utmost zeal and energy in carrying out the views of the government here concerning the rebel cruisers

which were expected to seek rendezvous among their secluded harbors. Unusual vigilance and activity have been adopted, besides other precautions, which promise the best results.

I understand that the governor of the island of Terceira (Azores) has so construed the instructions which he received as to forbid the coaling of any steamer designing to violate our blockade, and that he requires a bond to be given, before allowing coals to be furnished at all, that the ships receiving the supply will not run the blockade.

While this fair and friendly spirit is maintained our relations should be drawn into a closer intimacy, and I shall seek every proper occasion to manifest a becoming appreciation of such considerate and commendable conduct.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

[Extract.]

No. 262.]

LEGATION OF THE UNITED STATES,
Lisbon, February 28, 1864.

SIR: His Majesty's government has commenced a system of military works and lines for the protection of Lisbon, based upon plans which are understood to have been sketched out by the late Duke of Wellington during his memorable peninsular campaign. Their completion will involve a cost of several millions of dollars, which is no inconsiderable sum for a small kingdom where the current expenses exceed the regular revenues, and frequent loans are required to offset constantly augmenting deficits.

Portugal is at peace with all the world, and has every reason and interest to preserve that condition, for aside from the civil conflicts which destroyed a former prosperity, her territory was made the theatre of war between great rival powers which contended for supremacy or for control on this part of the peninsula. These large works have doubtless been undertaken to provide means of defence against dangers which are indirectly threatened by the disturbed state of Europe, and from the apprehension that, sooner or later, the war which now rages on the far north may by a sudden turn of events be extended to, or by chance burst upon, this remote southern region.

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I am, sir, your obedient servant,

JAMES E. HARVEY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 264.]

LÉGATION OF THE UNITED STATES,
Lisbon, March 10, 1864.

SIR: The enclosed extracts from an official letter addressed to me by Commander Preble, of the United States steamer *St. Louis*, will explain themselves.

Private letters, of four days later date, inform me that the rebel cruiser *Florida* left Funchal clandestinely on the night of the 29th of February, and was seen

the next day in the neighborhood of the island, when the St. Louis put to sea. It is to be presumed, as the rebel did not desire an engagement, that he took advantage of his steam-power to escape.

It appears, from the statement of Commander Preble, that the Florida entered Funchal bay on the 28th of February, after a cruise of eighteen days from Brest, short of coal, water, bread, &c., and that a concerted arrangement had been made with an English merchant named Blandy to furnish her with one hundred and ten tons of coal. At first the governor of the island would not permit any coal to be supplied, but after various conferences he agreed to allow twenty tons to be taken on board, and the Florida left Funchal with that limited provision, probably to seek a more hospitable port.

I take it for granted, if a question were to be raised on this subject, which cannot now be done for the want of official and precise information, that the governor will claim to justify his action in the premises upon the ground that the case was included in the category provided for by the royal proclamation of July 29, 1861, which excepts from the rule therein prescribed "cases of overruling necessity, (*force majeure*), in which, according to the laws of nations, hospitality is indispensable." In any event, I shall esteem it to be my duty to state the facts to the minister of foreign affairs at the first opportunity which may be offered for that purpose.

I have the honor to be, sir, very respectfully,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

UNITED STATES SLOOP-OF-WAR ST. LOUIS,
Funchal Roads, Madeira, February 29, 1864.

SIR: The rebel steamer Florida, Morris commander, arrived here on the night before the last, reporting as eighteen days from Brest, and requiring supplies of coals, water, bread, &c. Mr. Blandy, an English merchant, had engaged to furnish 110 tons of coals, but the governor forbade her being supplied with either coals or provisions. Last night there was an attempt to coal her clandestinely, which I ascertained and reported to Mr. Bayman, acting consul. We had a long interview with the governor and stopped it; two boats were loaded and are now afloat, watched by police boats.

Mr. Bayman writes me this morning that the governor, acting on *old instructions*—not the recent ones—had decided to give the Florida sixty tons of coals, since reduced to twenty, but I am not sure that he will adhere to this.

The rebel commander says his mission is to destroy our commerce, not to fight, and that he cannot afford to risk the chances of injury to his machinery. I have, therefore, little hopes of bringing her to action with my canvas wings, though I shall follow her to sea, if practicable, and try. He will probably go to sea in the morning calms, before the land breeze sets in. If not allowed to coal here I think he will go to Teneriffe, where the Georgia was coaled last October, and where I hope he may fall in with the Sacramento. We left her at Fayal, to sail as soon as coaled, and she would probably be detained at Santa Cruz to overhaul her engines. The rebels were offering \$50 advance yesterday for additions to the crew.

Very respectfully, your obedient servant,

GEORGE HENRY PREBLE,
Commander United States Navy.

Hon. JAMES E. HARVEY,
United States Minister Resident, Lisbon, Portugal.

Mr. Harvey to Mr. Seward,

No. 267.]

LEGATION OF THE UNITED STATES,
Lisbon, March 22, 1864.

SIR: A paragraph appeared in one of the principal papers to-day of which the following is a translation:

"According to the Aurora dos Açores of the 5th of March an English schooner coming from the island of St. Mary's reports that a vessel was set on fire by a steamer presumed to be the Florida, or Alabama, and supposed to be the same which, on the 1st instant, passed within sight of the harbor."

I fear it will turn out that the corsair Florida, which left Funchal on the night of the 29th February, has been renewing her depredations, and that at least one other victim has been added to the number of American ships which have been destroyed by this and other piratical cruisers.

Unless energetic measures be adopted there is too much reason to believe that the catalogue will be soon and largely augmented.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

[Extract.]

No. 268.]

LEGATION OF THE UNITED STATES,
Lisbon, March 24, 1864.

SIR:

I transmit also a circumstantial account of the presence and departure of the rebel cruiser Florida at Madeira, and the attending circumstances which Mr. Bayman was instructed to prepare, in order that it might be laid before the President. It throws no additional light upon the case, as it has already been submitted to the notice of the department, except the fact that the commander of the Florida was consistent in his vocation when he resorted to deception in order to attain his object. And although he succeeded in a very fractional degree, this experience will not much avail him or his criminal confederates hereafter.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Bayman to Mr. Harvey.

CONSULATE OF THE UNITED STATES,
Madeira, March 18, 1864.

SIR: I have the honor to acknowledge your letter of the 14th instant, and beg to express my thanks for the appointment therein forwarded.

I return the paper expressing the oath taken at the British consulate this day. I was informed by Commander Preble, United States steamer St. Louis, of the arrival of the rebel steamer Florida on Sunday morning, the 28th ultimo. I then called on the governor; he said that the Florida would be ordered to leave

within twenty-four hours, and would not be allowed to take any coal; that any change in his then determination would be at once communicated to me. About eight o'clock that night I was informed that coal was ready in boats to go off to the Florida; on my way to ascertain this I met a messenger from the governor requesting my presence; I went to the castle, and was then told by the governor that the commander of the Florida, one Morris, stated that he had only seven tons of coal on board, barely enough for cooking purposes, and that to take the vessel to another port he required 110 tons, also bread and water. The governor suggested that some one should go on board to verify this statement. Morris declined, and I have reason to believe, from subsequent information, that instead of seven tons there were seventy-five tons of coal on board. The governor, taking the statement made by Morris on honor, proposed to give him sixty tons of coal, water and bread, ordering the Florida to leave the next day, asking my acquiescence, (*d'accord.*) My reply was that I could not agree to the supply of one ton of coal under any circumstances; that the Florida could sail out of port as readily as any other ship. With regard to water and bread, I begged to remark that the United States government had, from the outset of the domestic troubles, followed a most humane, generous policy in their efforts to crush the most unprovoked rebellion known in the history of the world, offering a marked contrast to the savage ferocity that had characterized the conduct of the rebels. Mindful of this, I would not object to the supply of bread, though in strict justice even these ought to be denied to men roaming over the ocean solely to destroy unarmed vessels.

Subsequently the governor decided to allow the Florida to receive twenty tons of coal, notwithstanding my objections. The foregoing contains the main points of our conversation. I quite believe that the governor was anxious to send the Florida away without more aid than he considered necessary to enable the vessel to depart.

The alleged attempt to coal the Florida clandestinely cannot be proved; three boats were loaded with about twenty-one tons of coal, moored to a buoy, waiting leave to be sent alongside the Florida—so say the owners. I saw the boats so moored, and know that no coal went off till leave was granted, and then only the twenty tons.

The Florida anchored east of the St. Louis; got away during the night of the 29th February; it was very dark, and the wind blowing hard from the west.

The St. Louis left on the morning of the 1st March. The Julia and Constance, steamers, well-known blockade runners, are in port in a leaky condition, awaiting orders.

I have the honor to remain, sir, your obedient servant,

ROBERT BAYMAN,
United States Consul ad interim.

His Excellency JAMES E. HARVEY,
United States Minister Resident at Lisbon.

Mr. Harvey to Mr. Seward

No. 269.]

LEGATION OF THE UNITED STATES,
Lisbon, April 7, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch, No. 129, and to express my acknowledgments for the courteous and complimentary terms in which you have conveyed the "President's approval and commendation" of my conduct in the matter of the apprehended equipment of certain rebel cruisers in Portuguese ports.

Your suggestion of a reconsideration of the policy of his Most Faithful Majesty's government in regard to our unhappy strife involves various difficulties which deserve to be well considered before moving in that direction. The first duty to which I addressed myself, after entering upon this mission, was to procure a proclamation prohibiting the insurgents from bringing prizes into Portuguese ports, or using them for hostile purposes against the commerce and interests of the United States.

Although that proclamation was issued soon after the leading and several of the minor powers had conceded belligerent rights to the insurgents, and although Portugal, from her ancient alliances, her necessities, and her traditions, has been accustomed to regard such examples as almost obligatory upon her own action, that document stopped far short of the length to which the others had gone. It is true that the proclamation was not in all respects what I desired it should be in terms, but it is certainly more friendly in fact, more liberal in substance, and more becoming in form, than that of any other government, as will be readily seen by instituting a comparison. Neither the moral nor the material influence of Portugal has been thrown into the scale before the world to lift up a revolutionary party to the rights and dignity of a belligerent power, and no restriction of any kind has been imposed upon our ships-of-war. On the contrary, they have been welcomed by the authorities of this kingdom everywhere with respect and good feeling, and recently, upon an important occasion, in a manner that deserves our cordial recognition.

To the extent of good dispositions and of limited resources we have had all the advantage of the effective influence of this government, even when it was pressed hard from without, when suffering much for the loss of an accustomed commerce within, and, I may add, whilst a fabricated and selfish European opinion was brought to bear strongly against our cause and country.

It is my foremost desire, as it is my greatest ambition, in the position which I now occupy, that Portugal should not give even the slight sanction of a nominal neutrality to the enemies of free institutions, who, in this enlightened century, have inaugurated the most terrible of civil wars, with its horrid train of blood and carnage, to plant more deeply the foundations of a despotic oligarchy, to overthrow the noblest work of human wisdom in the way of free government, and to arrest the progress of a mighty social development, because it threatened their too long continued political ascendancy,

You may be quite sure that no effort will be spared on my part to attain that object whenever a fitting opportunity may be presented, but I shall regard any agitation of the subject, at this particular time, not only inopportune, but rather calculated to defeat than to aid the purpose. There are various reasons for this opinion, with which it is unnecessary to trouble the department now. Suspicious cruisers are hovering about this and the neighboring coasts, and all my present efforts are required for the protection of our exposed commerce.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 270.]

LEGATION OF THE UNITED STATES,
Lisbon, April 12, 1864.

SIR: The accompanying letter from the United States consul at Fayal has just been received, and the facts which he mentions have been confirmed by other information. Letters and telegrams from different sources and

places notify me that several suspicious steamers have recently appeared in the waters between the Azores islands and this coast. Renewed destruction of commerce is to be feared.

At this time I have no means at hand to afford protection except such as the good will of this government may provide in a case of extreme emergency. Our special agent in the Algarve district, which, with its indentations and inlets, is well adapted for the concealment of pirates, is vigilant and energetic, and keeps me fully informed upon the matters confided to his agency.

It is of material importance that a war steamer of superior speed and sufficient armament should have her headquarters at this port, and that her movements should be governed by the necessities of circumstances as they may arise.

The United States steamer *St. Louis* sailed from here yesterday, but, as her commander did not communicate his purpose to me, I know nothing of his intentions except from common rumor. Had I been notified in proper time I should certainly have advised against the departure of the ship in view of the information now communicated. The public interests must suffer in the future, as they have seriously suffered in the past, so long as the commanders of the ships-of-war which are detailed for duty in these waters have unlimited discretion to regulate their movements without regard to the views of, and without seeking the information that may be possessed by, ministers and others who are charged with grave and important responsibilities. I beg leave to say that, without a hearty co-operation between the civil and naval officers abroad, our exposed commerce cannot be even indifferently protected, and that such a co-operation is not practicable until the orders of naval commanders are so shaped as to require this concert of action.

And while upon this subject, I venture to suggest the necessity of explicit instructions being given by the proper department to the effect that the intended movements of our ships-of-war shall not be made known except to such persons as may be entitled to have that knowledge officially. Premature publicity of our plans has operated injuriously in several instances which have fallen under my immediate observation, and I have found myself vexatiously embarrassed and thwarted by the publication of reports by telegraph and through the newspapers of matters which have been regarded as confidential.

The insurgents keep an agent at Paris, whose special and exclusive business it is to ascertain the proposed cruises of our ships-of-war and the movements of the commercial marine. That information has been employed frequently to our injury, and I fear it has happened that thoughtless indiscretion upon the part of officers of the United States navy has been more useful to the public enemy than the best efforts of their regular agency at Paris.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dabney to Mr. Harvey.

CONSULATE UNITED STATES, AZORES,
Fayal, March 24, 1864.

SIR: I have to inform you that Mr. Hickling, our consular agent at St. Michael, under date of the 12th instant, informed me that on the 29th ultimo he saw a very long three-masted steamer, close in, standing to the eastward, and four days after the same or another of similar appearance passed to the west-



ward. The apparent object was to see what vessels were at anchor. (I have heard that they showed no flag.) From the same gentleman I received the original letter of Mr. Manuel Barboza da Camara Albuquerque, his deputy at St. Mary's, in which he announced that, on the night of the 26th to the 27th ultimo, a vessel was seen burning, and in the morning it was supposed that she was about three leagues distant; she continued burning until the following one o'clock a. m., when she disappeared. On the 27th a brig, apparently bound to the westward, approached the vessel on fire, and afterwards stood towards the land, and about an hour after again stood to the westward. The burnt vessel appeared to be a large vessel, high out of water.

With great consideration, I have the honor to be your obedient servant,
CHAS. W. DABNEY.

His Excellency JAMES E. HARVEY,
Minister of the United States at the Court of Portugal.

The Sacramento, hence on the 20th ultimo, was the last United States government vessel here.

Mr. Harvey to Mr. Seward.

LEGATION OF THE UNITED STATES,
Lisbon, April 30, 1864.

SIR: I have reason to know that the mediation offered by the government of His Most Faithful Majesty to reconcile the differences existing between Great Britain and Brazil have been accepted by both sides, and that the latter has imposed no conditions in regard to the basis of adjustment. The negotiations for renewing diplomatic intercourse will be conducted at London, through the agency of the Portuguese minister there.

I have the honor to be, sir, your obedient servant,
JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 277.] LEGATION OF THE UNITED STATES,
Lisbon, May 17, 1864.

SIR: The accompanying copies of letters from the United States consul at Fayal and the United States consular agent at St. Michael have just now reached the legation, and I communicate them immediately in the hope that effective measures may be adopted to prevent the illicit traffic to which they refer.

It is quite evident, as I have heretofore had occasion frequently to suggest, that the public interests in this quarter cannot be properly protected without the presence of at least two war steamers of sufficient speed and armament.

The sloop-of-war St. Louis is of no use whatever in a practical point of view, while her maintenance abroad involves a considerable cost to the government. Besides which, there is a constant danger of her destruction or capture by the superior steam cruisers of the rebels; a fact which would be attended with more injury and humiliation to the national cause than the material value of a hundred such ships.

I am quite aware of the difficulties which perplex and beset the Navy Department in adopting suggestions for an increase of steamships of war on foreign stations; but as the chief embarrassment seems to be rather in regard to the supply of seamen than of steamers, it has occurred to me that the crews of the sailing vessels in these waters might be advantageously transferred to a class of ships better adapted to the requirements of the situation. If my information is correct, the crews of those vessels will willingly renew service on war steamers, though the period of their cruises may have expired.

The mid-ocean islands belonging to this government have become too important from their geographical position to be overlooked; and whatever attention may be bestowed in that direction will proportionably reduce the labors and force on the station of the West Indies and those of the blockading squadron.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

UNITED STATES CONSULATE, AZORES,
Fayal, April 29, 1864.

SIR: I have just received information (which I hasten to communicate to you) that the English double-screw steamer *Atalanta*, ostensibly *four* days from Falmouth, bound to Bermuda, in ballast, was at Terceira for coals, on the 11th instant. She is said to have run across from Calais to Dover in seventy-five minutes.

I am, sir, respectfully, your obedient servant,

CHARLES W. DABNEY.

Hon. JAMES E. HARVEY,
United States Minister Resident, Lisbon.

ST. MICHAEL, *May 9, 1864.*

SIR: It is my duty to apprise you that on the 3d instant the British (two-masted and two-funnel) schooner *Mary Collert*, of 248 tons, Captain W. G. Green, came from Liverpool, bound to Nassau for coal, and departed with upwards of 200 tons. She had the appearance of being destined for a confederate cruiser; the master said she can steam eighteen miles per hour.

On her arrival I officially applied to the civil governor to have her searched, and, if found with munitions on board, to prohibit the supply. He came personally to tell me that he had no instructions either to search a British vessel, or to prevent the furnishing of what the captain required; notwithstanding which he sent a confidential person privately to see, who reported that he did not observe anything, but thought it probable she had something under the ballast, as she was deep in the water.

I must do justice to the civil governor, who, in every case, has manifested the best feelings for the success of the United States in this unprovoked and devastating war.

No less than five blockade runners have been supplied here with coal. On the 2d of April a Bremen brig laden with upwards of 300 tons of coals and a large assortment of provisions and spirits from England for the West Indies (strongly suspected for some of the pirates) was condemned and sold at auc-

tion, being very leaky and otherwise damaged, which could not be repaired here.

• • • • •
I have the honor to be, sir, your obedient servant,

THOMAS HICKLING,

United States Consular Agent.

JAMES E. HARVEY,

United States Minister, Lisbon.

Mr. Harvey to Mr. Seward.

No. 278.]

LEGATION OF THE UNITED STATES,

Lisbon, May 19, 1864.

SIR: Her Majesty's government has just published a decree (of which I enclose a copy in translation) intended to promote the culture of cotton in the province of Angola, one of its African colonies.

The soil and climate of that country are well adapted to the production of the plant, but it may be doubted if the mere inducement of prizes will serve to advance an object which the temptations of high prices and short supplies have failed to attain.

With a system of skilled and organized labor the Portuguese possessions in Africa might be made immensely valuable, but this requires more capital, enterprise, and energy than the country can now furnish, and hence there is no serious prospect of immediate competition in the production of cotton from that quarter.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Navy Department.

It being convenient to regulate the manner in which the prizes referred to in articles 3 and 4 of the law of 4th December, 1861, are to be awarded to all growers of cotton in the province of Angola, I am hereby pleased, in conformity with the opinion of the colonial council, remitted under date of 3d instant, to approve the regulations which form part of the present decree, and are countersigned by the secretary of state for marine and colonial affairs.

Let the said minister and secretary of state thus understand these presents and put the same in execution.

Royal Palace, 13th May, 1864.

KING.

JOSÉ DA SILVA MENDES. [SEAL.]

Regulations referred to in the decree of this date, and of which they form a part, for the execution of articles 3 and 4 of the decree of 4th December, 1861, granting sundry prizes to cotton-growers in the province of Angola.

ARTICLE 1. All land-owners in the province of Angola, who may have the most extensive and best plantations of cotton, may lay claim to and receive through the state treasury, in each year up to 1872, one of the following prizes: One prize of 4,000||000 reis; one prize of 2,000||000 reis; four prizes of 1,000||000 reis, each.

ARTICLE 2. All cotton-growers under the following heads are considered as competitors for the aforesaid prizes, as follows :

As competing for the first prize, all such as may have at least 500 hectares of ground under said cultivation.

As competing for the second prize, all such as have from 300 to 500 hectares.

As competing for the third prize, all such as have from 100 to 300 hectares.

§ *Solus*. The plantations may be in contiguous or separate pieces of land.

ARTICLE 3. The plantations are to be under a regular and careful state of cultivation, and the ground occupied in such manner as that there shall not be less than 2,000 cotton shrubs in each hectare, and no prize to be claimed for the cultivation of arboraceous cotton.

ARTICLE 4. In the granting of prizes, according to the respective area of culture, the preference is to be given to all such proprietors as cultivate cotton of the following species, and in the following order: 1st, long cotton, (sea island;) 2d, short cotton, (upland;) 3d, Brazil cotton; 4th, Indian cotton; 5th, any other species of shrub or arboraceous cotton.

ARTICLE 5. Once a prize has been given to one plantation, the same cannot receive a similar prize in subsequent years, nor can more than one prize be conceded to one cultivator in the same year.

ARTICLE 6. All proprietors wishing to compete for any of the aforesaid prizes must petition the governor general to that effect within the time to be published by the latter in the Provincial Bulletin, stating the title of his property, its situations, and the extent of the plantations, together with the quality of cotton grown thereon—addressing his said petition through the chief or governor of the district where the cultivated ground lies, so that these authorities may add their information to the petition.

ARTICLE 7. The governor general shall name such committees as he may see fit to survey the grounds and verify the title of the property, its extent and state of improvement, culture and quality of the cotton.

§ 1. These committees are to consist of one of the chiefs of the nearest districts to the plantations, who is to be the chairman; the provincial engineer, and in his absence, of a duly authorized surveyor, and of a planter of the same or other locality, named by the governor general; the scrivener or secretary of the district to act as secretary.

§ 2. The results of these surveys are to be recorded, authentically, in books or especial registers, to be furnished by the state, and signed by the respective surveyors and members present.

§ 3. These books or registers are to serve for one year only, and to be countersigned by the governor general, with an entry, at the commencement thereof, and one at the closing of the same, under his signature.

ARTICLE 8. The members of committees are to receive daily pay or remuneration, to be stipulated by the governor general in council, and are to have a free passage by sea, if necessary, in a government vessel, or in a merchant ship, in the absence of men-of-war.

§ 1. The expenses declared in the present article are to be defrayed through the item expressed in article 31, of the Budget of the Angola province, approved by the law of 21st July, 1863, for the protection of the cotton growth, or through any other article which may in future be adopted.

§ 2. The expenses of surveys of all lands under an area of twenty-five hectares are to be paid by the proprietor interested.

ARTICLE 9. Any proprietor intending to compete for a prize, and whose plantation is under 100 hectares, will be responsible for the payment of all expenses incurred in virtue of his intention as aforesaid, and these expenses are to be claimed and exacted as debts to the state.

ARTICLE 10. The committees whilst surveying will collect a portion of cotton pods from the land under examination, and after closing and putting them up in such manner as to prevent their substitution, are to deliver the same along with the book declared in article 7 to the governor general, so soon as they shall have closed their investigations.

ARTICLE 11. After the surveys on such plantations as are competing for prizes, the governor general in council is to name three commercial jurors to examine and classify the cotton treated of in the preceding article. The examination is to be made in presence of the governor and his council and the members of such committees as may then find themselves in the provincial capital, and the same is to be reduced to a deed of writing in a special book, and to be signed by all.

ARTICLE 12. During the same sitting (if time permit) or at another meeting the governor general, after obtaining the assenting vote of the council, shall proceed to adjudicate such prizes as shall have been awarded; and in case he dissent from the opinion or vote of the council, the affair shall be submitted to the decision of the home government, accompanied by all the respective documents and vouchers.

ARTICLE 13. The prize having been adjudicated, the governor general is to issue an order (*portario*) in legal form to the finance "junta," in order that the party interested may receive the amount of his prize.

Department of Marine and Colonial, May 13, 1864.

JOSE DA SILVA MENDES. [SEAL.]

Mr. Harvey to Mr. Seward.

No. 279.]

LEGATION OF THE UNITED STATES,

Lisbon, May 24, 1864.

SIR: I transmit herewith translations of various correspondence between the authorities of the island of Madeira, the commander of the rebel cruiser Florida, and the United States vice-consul, in reference to the supplies which, in my opinion, were improperly furnished to the Florida at Funchal in February last.

The existence of this correspondence came to my knowledge quite accidentally, as it was never referred to by either the commander of the United States steamer St. Louis or by the acting consul. Upon being made aware of the fact, I immediately called for the papers, which the vice-consul communicated by the last packet, as they appeared in the official journal of the island, *O'Districto do Funchal*, of the 5th of March.

It appears from this correspondence, that while the governor of the island fully and fairly comprehended his duties at the outset of the affair, he allowed himself subsequently to be persuaded to sanction proceedings for which there was no proper justification, according to his original showing. The Florida entered the bay of Funchal, and had probably made her voyage, without steam. She was not disabled or damaged, and therefore had no claim to ask coal, upon the basis of the privilege of "*force majeure*" reserved by the royal proclamation of July 29, 1861. No investigation was made, or sought to be instituted by the authorities of the island, either of their own accord or at the instance of our naval commander or vice-consul, as should have been required, to ascertain whether the claim put forward for supplies was well founded or false. I have reason to suppose that it was a fraudulent pretence, and that the cruiser had a stock of coal in her bunkers at that very time. Moreover, no precautions were taken to prevent a larger supply from being furnished than was prescribed by the governor's order, and the belief is general now that it was much exceeded.

In view of all the facts of the case, I have not been able to concur with the strong and unnecessary expression of thanks which the commander of the St. Louis "requested" the United States vice-consul to convey to the governor, and by which his conduct throughout is not only commended, but which estops any effective representation from being made here.

When his Majesty's government recently issued unusual and stringent orders to all the authorities of the mid-ocean islands, and sent their best steam vessel-of-war to assist if necessary in enforcing their execution, a great step was taken in the right direction to prevent the depredations to which our commerce has been heretofore exposed. And when the Florida presented herself, soon afterwards, at Madeira, there was an excellent opportunity to settle, once for all, the pretended right of entry and supplies claimed by such piratical cruisers. It should have been decided in our favor, and I regret that the opportunity was not improved by positive and unhesitating action. Much work will now have to be done over again, for if our naval commander publicly and officially thanks a governor for conduct which we are obliged to condemn, he thereby recognizes a precedent that it will be found difficult to combat hereafter. This whole proceeding of offering "thanks" was gratuitous, and hardly in the line of professional duty.

The first intelligence in regard to the correspondence now communicated reached me when the St. Louis was here in port. Consequently I addressed a note to her commander, making the necessary inquiries, and asking for an investigation on board the St. Louis, which, for reasons satisfactory to himself, he did not see fit to direct, but which I believed then, and still believe, would have resulted in fuller information on this subject than has yet been obtained. My note and his reply are transmitted without comment, though I am compelled to observe a discrepancy between the language of the vice-consul in his letter to the governor, dated the 29th of February, when professedly speaking in the name of the commander, and of that of the commander, speaking for himself, in his answer to me.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

CIVIL GOVERNMENT OF FUNCHAL,
February 28, 1864.

MOST EXCELLENT SIR: I have just been informed by an official communication from yourself, that the ship Florida, a south American corsair, sailing under the so-called flag of the Confederate States, which have not been recognized by us, has entered and is now at anchor in this port.

In view of the decree of 29th July, 1861, a vessel in those circumstances can only enter the ports of Portugal when compelled thereto by *force majeure*; and as such case has not happened, nor is it invoked by the commander of said vessel to legalize or justify his stay in this port, I find myself compelled, in conformity to the law, and in obedience to all those principles of loyalty which are due to the flag of a friendly nation, to request that your excellency will be pleased to intimate the aforesaid commander to leave this port with all possible speed.

Your excellency will be pleased to keep me informed of all that may occur in carrying out the present commission.

God preserve your excellency.

The Civil Governor,
JACINTHO 'ANTONIO PERDIGAO.

His Excellency the CAPTAIN OF THE PORT of Funchal.

FUNCHAL, *February 28, 1864.*

MOST EXCELLENT SIR : In compliance with the orders received from your excellency, I have intimated the commander of the war steamer Florida to leave this port within twenty-four hours, and in reply to said intimation I have received from said officer a communication, of which I have the honor of transmitting a copy to your excellency, wherein the said commander declares he was forced to come into this port in want of water, bread, and coals, and that, consequently, it is impossible for him to quit this port without those articles.

Your excellency will decide whatever is just, and I await your excellency's orders on this head.

God preserve your excellency.

JOAQUIN PEDRO DE CASTELBRANCO,

Post Captain R. N. and Captain of the Port.

His Excellency Dn. JACINTO ANTONIO PERDIGAO,

Civil Governor of the Funchal District.

CIVIL GOVERNMENT OF FUNCHAL,

February 29, 1864.

MOST EXCELLENT SIR : On view of your communication, wherein you inform me that you had intimated the commander of the ship Florida, south American corsair, to quit this port, and make known his reply, whereby he alleges the existence of *force majeure*, in his being short of provisions, water, and coals to navigate, it is my duty to inform you that I consider that ship only entitled to protection under the general laws of humanity; and I understand that, according to said laws, we need not deny to any one the necessary means of subsistence, and therefore agree to his being furnished with such provisions and water as he may require, but cannot do the same with regard to coals; whereas said ship being built on the mixed system, and being therefore enabled to navigate by means of her sails, as she no doubt has already done, and as is evident from the fact of her having taken eighteen days in coming from Brest to this port; and it not being consistent with my duty that she should, within the territory confided to me, be permitted to furnish herself with that article in a greater quantity than what is necessary for her to leave this port, attain such a distance off as not to be prejudiced by the ship-of-war of the United States which is likewise now at anchor in this port, and for the purpose of cooking on board, I think that I am only authorized in allowing her to be furnished with twenty tons of coals, which quantity, although not sufficient to put her in a position of causing damage is nevertheless sufficient to avert any danger to which she might, by chance, be exposed on leaving this port.

In this sense your excellency will be pleased to communicate with the commander of the aforesaid corsair, and apprise me of the result.

God preserve your excellency.

The Civil Governor,

JACINTO ANTONIO PERDIGAO.

His Excellency the CAPTAIN OF THE PORT of *Funchal.*

FUNCHAL, *February 29, 1864.*

MOST EXCELLENT SIR : I communicated your excellency's order to the commander of the steamer Florida, said orders being to the effect that he might acquire the provisions and water required to proceed on his voyage, and that

with regard to coal, your excellency only allowed him to take twenty tons. In reply, I have this day received a communication from said officer, of which I have the honor of transmitting you a copy enclosed, wherein said commander states he cannot proceed on his voyage without taking in forty tons of coal.

A short time after my receiving this communication, this officer came to me, and I then made known to him your excellency's positive orders, and he at last agreed to leave this evening, taking only the twenty tons of coals, allowed by your excellency, declaring that he would not proceed to sea under these circumstances should any war steamer of the United States make her appearance in sight at the moment of his leaving the port.

God preserve your excellency.

JOAQUIN PEDRO DE CASTELBRANCO,
Post Captain and Captain of the Port.

His Excellency the CIVIL GOVERNOR
of the Funchal District.

CIVIL GOVERNMENT OF FUNCHAL,
February 29, 1864.

MOST ILLUSTRIOUS SIR: Having been informed by the captain of this port that the commander of the ship Florida, south American corsair, now at anchor here, had declared himself unable to leave this port, in compliance with the intimation made to him by my orders, seeing that he was in want of provisions, water, and coals; and I having resolved that, in view of the duties of humanity, which must be extended to him, and which do not compromise other duties, equally sacred, of loyalty towards the flag of a friendly nation, he should be permitted to furnish himself with whatever provisions and water he may require, and with twenty tons of coals, which I consider sufficient to enable him to leave this port without danger, and to cook provisions on board, I now inform you hereof, in order that you may be pleased to authorize the shipment of the said quantity of coals, and using your supervision in not allowing these limits to be exceeded.

God preserve you.

The Civil Governor.
JACINTHO ANTONIO PERDIGAO.

Most Illustrious DIRECTOR OF CUSTOMS, Funchal.

CIVIL GOVERNMENT OF FUNCHAL,
February 29, 1864.

MOST ILLUSTRIOUS SIR: I have the satisfaction of informing you that the commander of the ship Florida (south American corsair) has, according to the communication of the port captain and his own verbal declaration to me, in the presence of two persons, accepted the concession granted him for furnishing himself with provisions and water which he needs, and twenty tons of coals, the latter having been agreed with you, and I having consented thereto, as a sufficient quantity to enable him to leave the port and place himself at such a distance as not to fear his being harmed by the American corvette-of-war now lying in this port, and for purposes of cooking on board; and the said commander has compromised himself to leave this evening, provided that up to the moment of quitting no American war steamer shall heave in sight, in which case he desires and requires to keep himself under the protection of the flag in whose waters he is now riding at anchor. He, however, has asked

me that, following the example of what is done in the ports of other nations all means might be employed towards obtaining that the United States war ship now in this port may only leave this port twenty-four hours after his departure; and it being my desire to maintain complete impartiality, thus communicate the same to you, hoping that you will agree with the commander of the American corvette now here, so as to comply with the said request, which I consider reasonable and in harmony with those principles of equity which are due to all.

Be pleased to acknowledge receipt of the present despatch, and to reply thereon as you think fit.

God preserve you.

The Civil Governor,
JACINTHO ANTONIO PERDIGAO.

Most Illustrious VICE-CONSUL OF THE UNITED STATES.

FUNCHAL, *March 1, 1864.*

MOST EXCELLENT SIR: I have the honor of informing your excellency that the American steamer Florida left the port last night, about 8.30 p. m., having received the provisions and water which she desired, and the twenty tons of coals which your excellency permitted her to take.

God preserve your excellency.

JOAQUIN PEDRO DE CASTELBRANCO,

Post Captain R. N., and Captain of the Port.

His Excellency DON JACINTHO ANTONIO PERDIGAO,

Civil Governor of the District of Funchal.

Pirate Morris to the Captain of the port of Funchal, &c., &c., &c.

C. S. STEAMER FLORIDA,

Off Funchal, February 28, 1864.

SIR: In answer to your request that I should leave this port immediately, I have to state that it is utterly impossible to comply. I would state that I arrived here last night at 11 o'clock, and am out of coal, and require water and bread, and do hereby enter my protest against being forced to leave without the above-mentioned necessities, and must decline doing so. Should any mishap befall this vessel while out of fuel your government will be responsible for the same. It is actually necessary to have coal, not only for the purpose of propelling the vessel, but also to make fresh water, as this vessel carries a very small quantity of the latter. I only ask for what the English, French, Spanish, and Brazilian governments, and also your own government, have already granted to our vessels.

I have the honor to be your most obedient servant,

C. MARUGAULT MORRIS,

Lieutenant Commanding.

Capt. JOAQUIN PEDRO DE CASTELBRANCO,

Captain of the Port of Funchal, &c., &c., &c.

C. S. STEAMER FLORIDA,

Funchal, February 29, 1864.

SIR: Your letter of the 28th instant, in answer to a communication which you received from me of the same date, setting forth the reasons for my not leaving this port, &c., has been received. You state that his excellency the governor consents to my being supplied with bread, water, and twenty tons of coals to enable this vessel to proceed to the high seas. I will state that I require forty tons of coals to reach the nearest port without I am allowed to take that amount of coals on board.

I am, sir, with much respect, your obedient servant,

C. MARUGAULT MORRIS,

Lieutenant Commanding, C. S. N.

JOAQUIN PEDRO DE CASTELBRANCO,

*C. F. d'A. R. Captain of the Port, &c., &c., &c.**Mr. Bayman to Governor Perdigao.*

CONSULATE OF THE UNITED STATES,

Madeira, February 29, 1864.

MOST ILLUSTRIOUS AND EXCELLENT SIR: I have the honor to acknowledge your letter dated this day, the contents of which I have communicated to Captain Preble, of the United States sailing corvette St. Louis. I am requested by him to express our joint thanks to your excellency for your promptness in preventing unnecessary aid being given to the so-called Confederate States steamer Florida, cruising for the purpose of destroying unarmed merchant vessels belonging to the United States.

I am also requested by Captain Preble to say, that it is a source of pleasure to be able to comply with the wishes of the governors abroad, when, as is usually the case, they are in accordance with his duty to his own government, and in harmony with the rules and regulations laid down by foreign governments, all of which he is directed rigidly to observe.

I have the honor to be, most excellent and illustrious sir, your most obedient servant,

ROBERT BAYMAN,

United States Vice-Consul.

His Excellency JACINTHO ANTONIO PERDIGAO,

*Civil Governor of the Island of Madeira.**Mr. Harvey to Commander Preble.*

LEGATION OF THE UNITED STATES,

Lisbon, April 8, 1864.

SIR: It has been stated to me that a letter was addressed by yourself and Mr. R. Bayman, United States vice-consul at Madeira, to the governor of that island, complimentary of his conduct towards the rebel cruiser Florida when the commander of that vessel applied for coal and provisions, on or about the 29th of February last. If this statement be correct, it is desirable that a copy of the letter should be furnished to this legation, to enlighten my official action in reference to a question which I consider raised by the proceedings of the governor.

It is also proper for me to request that an inquiry should be made among the officers and others on board the *St. Louis*, who may be cognizant of any material facts, with a view to ascertain, as nearly as practicable, the actual quantity of coal which was supplied to the *Florida*. It has been stated that several barges freighted with 10 tons or more of coal each, were seen from the deck of the *St. Louis* unloading on both sides of the *Florida* at the same time, two of them being distinctly visible on the exposed side, and the presumption being that the same number were discharging at the other side, as the fact was notorious that four barges were loaded lying in the bay for that purpose.

In a letter to Mr. Munro, of the 1st of March, which he communicated to me for information, you state "the governor allowed her (the *Florida*) to take in 20 tons of coal, and *no more*." In a subsequent letter from Teneriffe a very positive doubt was expressed concerning the quantity of coal really furnished, which must have been justified by subsequent developments.

Under all the circumstances of the case it is necessary to institute a thorough inquiry, in order that the public interests may be properly protected here.

I am, sir, your obedient servant,

JAMES E. HARVEY.

Commander G. H. PREBLE,
United States Steamer St. Louis, Lisbon.

Commander Preble to Mr. Harvey.

UNITED STATES SLOOP-OF-WAR *ST. LOUIS*,
Lisbon, April 8, 1864.

SIR: Your communication of this day and date is received. Agreeably to your request, I have to say that the statement made to you, that I addressed a letter to the governor of Madeira "complimentary of his conduct towards the rebel cruiser *Florida* when the commander of that vessel applied for coal and provisions, on or about the 29th of February last, *is false*. I had no *written* communication on any subject with the governor of Madeira, nor did I express my approval of his course, in any manner, verbal or otherwise, and I have reason to believe Mr. Bayman did not; but he can best answer. We neither of us *approved* of or *assented* to the *Florida* being supplied with *any coals*, or *other stores*. That the *Florida* obtained more than the 20 tons allowed, I have reason to believe, and so communicated to Mr. Bayman from Teneriffe; what that quantity was cannot be known on board the *St. Louis*, but I presume can be obtained from the records of the custom-house at Madeira or the books of Messrs. Blandy & Co., who supplied her.

As she had 75 tons on board when she arrived, and applied for 110 tons, and three days after leaving Madeira took on board 75 to 80 tons at Teneriffe, I judge she may have obtained from 40 to 50 tons. The agents of the *Florida* managed the coaling business badly. Two or three cargoes were afloat in the roads, and could have been ordered to sea to meet the *Florida* at any appointed rendezvous without our being able to prevent it. I enclose two or three notes from Mr. Bayman to me bearing on the subject. The new orders to the governors of the Portuguese Islands not having been communicated to me officially, and as my knowledge of them is derived from Portuguese officials, I cannot say how far they would authorize a refusal to supply the *Florida* with coals; but I *understood* the governor to say, in supplying her he was governed by his old instructions, and that the new orders did not meet her case.

I am, sir, your obedient servant,

GEORGE HENRY PREBLE,
Commander, U. S. Navy.

Hon. JAMES E. HARVEY,
United States Minister Resident, Lisbon.

Mr. Harvey to Mr. Seward.

No. 280.]

LEGATION OF THE UNITED STATES,
Lisbon, June 1, 1864.

SIR: His Majesty's government ordered a census of the kingdom and the colonies to be taken on the 31st of December last, and I now transmit a résumé of the results, which, although not published officially, is accepted as being in the main correct.

The returns from the Indian and African possessions have not yet been made known. This census is far from being considered perfect, because the mode adopted left it quite discretionary with the population to fill up the printed forms furnished by the government correctly, incorrectly, or not at all. Prejudice was excited among the uneducated classes from a belief that the census was intended as a means of increasing taxation, consequently many made no report, and others made such as best suited their supposed interests.

The population of this capital and its environs, in spite of defective returns, sums up much larger than the common estimate allowed it. A very considerable growth has been noticeable in the last few years, which many adverse causes have not been able to retard. The industrious, enterprising, and emigrating Portuguese of the north, who seek and make fortunes in Brazil, generally adopt Lisbon as the abode of their days of ease and plenty.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

POPULATION OF PORTUGAL.

	*	*	*	*	*	December 31, 1863.
Angra.....	72,099			Leiria.....		178,411
Beja.....	142,889			Lisbon.....		450,180
Braga.....	319,078			Ponta Delgada.....		111,456
Braganca.....	163,746			Portalegre.....		98,756
Castello Branco.....	166,533			Porto.....		399,303
Evoca.....	104,289			Santarem.....		202,214
Faro.....	179,478			Vianna de Castello.....		204,058
Funchal.....	112,164			Villa Real, (parte).....		151,687
Guarda.....	214,759			Vizen.....		365,251
Total.....						3,636,364

Mr. Harvey to Mr. Seward.

No. 281.]

LEGATION OF THE UNITED STATES,
Lisbon, June 7, 1864.

SIR: The regular and final session of the present Cortes draws near to its close after repeated prorogations. Most of the legislation has been of a local character, relating in the main to improvements which have grown out of the progress which Portugal is beginning to feel sensibly and beneficially.

The law of all others which excited most attention and controversy, because it affected the largest interests, was that abolishing what is popularly known by the name of the "tobacco monopoly." For many years past the government

farmed out the large revenue derived from that source by contract for a round sum, giving the contractors the exclusive management of the business, with only a nominal supervision.

A formidable organization, which grew to be indifferent to, if not quite independent of, the government, was the result of a pernicious policy which, while it temporarily relieved the financial necessities of the ministry in power for the time being, was eating up the substance and revenue of the country, and enriching selfish contractors at the expense of the State.

Public opinion at last demanded a radical change, and after the 1st of January next tobacco will enter the ports like other merchandise, subject to nearly the same scale of duties as has been lately adopted in England.

A movement was recently made in the Chamber of Deputies for the abolition of the hereditary feature of the peerage, which lies over for consideration at the next Cortes. The subject will, however, enter to some extent into the approaching elections, and sooner or later the proposition will be adopted, for the march of ideas is altogether in that direction.

When the majorat was abolished a year ago the foundation of the old structure was sapped, and peers who originated that reform in their personal interests did not seem to foresee that the house would fall when its corner-stone was torn away by their own hands.

The tendency of this people is towards liberal institutions, and even now, notwithstanding the boasted pretensions of others, there is no country in Europe where liberty of speech and freedom of the press are more conspicuous than here. Old traditions and forms still hamper the administration of government and encumber the statute-book with musty relics of the past, but they are doomed to give place to vigorous and healthy reforms more congenial with the spirit of the age, since the axe has been laid at the root of the whole system.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY

HON. WILLIAM H. SEWARD,

Secretary of State.

Mr. Harvey to Mr. Seward.

No. 283.]

LEGATION OF THE UNITED STATES,

Lisbon, June 19, 1864.

SIR: The Cortes were closed yesterday in state by the King, assisted by the Queen and court. I enclose herewith a translation in French of the royal speech delivered on the occasion.

A general election for the Chamber of Deputies (the regular term of which is four years) will be held in November next. The different parties are already organizing their forces for that contest, but as, with the exception of a fractional minority, they are not divided by any very radical difference of principle, no material change of policy in the course of the government is to be apprehended, whatever the result of the elections may be. Indeed, the dominant political divisions are only separated from each other by phases of liberal and constitutional ideas. Both the great parties claim to be not only equally possessed of these tendencies, but each one claims it more than the other. The interest which favors reaction or return to the order of things which existed before the present constitutional charter is limited in numbers except in the northern part of the kingdom, where it has a certain strength, but not sufficient to give its adversaries any serious anxiety. That party rallies under the name of Miguelite,

and is identified with the fortunes of the banished King who bears it—a fact which of itself illustrates the freedom of opinion and discussion in this country.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 284.]

LEGATION OF THE UNITED STATES,
Lisbon, June 21, 1864.

SIR: The news of the naval combat between the United States steamer Kearsarge and the notorious Alabama, and the complete destruction of the latter, created much sensation here yesterday when it became known in the city by a telegram to me, which was immediately communicated to the authorities and to the commercial exchange.

The Alabama received her first equipment of arms and munitions from English ships, in one of the remote and secluded ports of the Azores islands, and her first depredations were committed not very far from the same spot. Attempts were made by her commander subsequently to repeat the outrage which he perpetrated at Angra bay two years ago, but the precautions taken here prevented their success; consequently that cruiser was well known in these parts, and had given our own and the Portuguese officials no small trouble. For this reason a very general interest was excited when the facts became partially understood, and to satisfy it fully I caused all the information in my possession to be given to the public through the principal newspapers.

Besides the ordinary effect to be anticipated from such an event, it is quite certain that the rates of insurance on American vessels and cargoes, which had been inflated by various combinations in Europe, will at once collapse and find their proper level.

Still it is to be hoped that vigilance on this side of the Atlantic will not be relaxed, because preparations are making at various points to send out more formidable cruisers than the late Alabama; they only wait for a fitting opportunity and a convenient pretext.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 286.]

LEGATION OF THE UNITED STATES,
Lisbon, July 7, 1864.

SIR: The most important and the largest of the internal improvements of this kingdom, the railroad connecting Lisbon directly with Porto, was regularly opened to the public yesterday, and attracted much interest along the whole route. Like all other great works of the kind, this new route is destined to produce valuable results, the more so as the country which it traverses is comparatively rich and a part of it well populated, and because the means of communication heretofore have been quite inadequate to the wants of the community.

The northern portion of the kingdom, which the railroad now taps, is interesting, beautiful, and fertile, with a population of hardy, enterprising men, who regard labor as honorable, and who are the worthy descendants of that stock which gave Portugal her former greatness and glory.

Already lateral routes are projected in the northern provinces, shortly to reach the Spanish frontier in that direction, which is now touched by another road already completed beyond Badajoz and soon to connect with Madrid. In two years more, and perhaps before that time, one may be whirled from Lisbon to Paris by railroad without interruption.

Portugal has heretofore labored under many disadvantages from her isolated position, but they are fast disappearing under a strong impulse of progress, and foreign capital is beginning to seek the fields of enterprise, which, though long known to exist, have been as it were beyond the grasp of willing and energetic hands. When these resources are properly developed, and industry and commerce shall be wisely regulated, a new era of prosperity may be safely predicted, in which the present generation must largely participate. New connexions with the outer world will bring along with them the ideas, the energy, and the habits that are now in a measure wanting to keep pace with the rapid march of the age, and will ultimately insure a higher destiny for the kingdom than even the most sanguine minds have ventured to anticipate.

It is a part of the great law of universal progress which seems to have been beneficently reserved for this era of ours, that all nations and peoples shall, in a greater or less degree, share of its moral and material benefits, and though, as in our own case, the sacrifices demanded by duty appal and awe the stoutest hearts, still they are the purifying influences which Providence has ordered to work out the mighty end in view, and to solve the problem which has hitherto shackled our advance as the representative of free government.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 288.]

LEGATION OF THE UNITED STATES,
Lisbon, July 18, 1864.

SIR: I have the honor to receive your despatch No. 140, accompanied by a correspondence between the Secretary of State and the chairman of the Committee on Commerce of the Senate, in relation to a project for an inter-continental telegraph to connect the eastern and western hemispheres by way of Behring's Strait.

The views of the department on this important subject are stated with so much clearness, and ability, and force, and the valuable information embodied in the general résumé of the practicability and utility of the enterprise is so instructive, that I venture to believe and hope that Congress will accept and adopt them as the basis of prompt and efficient legislation.

Whatever opinions I may have heretofore entertained as to the necessity of telegraphic communication between the Old and New World, considering the proposition mainly with regard to commercial and material interests, I am satisfied, from some observation and practical experience, that in a political or public aspect it is of still greater consequence for the present and for the future.

All the first intelligence of affairs in the United States brought across the ocean by the steamers plying between European and American ports is now distributed over Europe, either upon the authority of imperfect, partial, distorted

or fictitious reports furnished by employes of the principal British newspapers temporarily or permanently residing in our large cities, or through telegraphic agencies on this side, which are equally unreliable, prejudiced, and illiberal. The consequence is that a false coloring is given to almost every fact, and the public mind is constantly misled by malicious or ignorant misrepresentation. So systematic has this course of conduct become, that those who are better informed as to the real state of affairs at home and the probable turn of events generally read these telegraphic reports in a directly opposite sense to that given and intended, and it may be asserted that, in nearly nine cases out of ten, the contrary conclusion proves to be the correct one when the full accounts are received—the very accounts, too, upon which these false telegraphic reports were professedly predicated.

It will thus be seen at a glance how much the national cause has suffered abroad from the want of a direct and immediate means of telegraphic communication, such as would enable us to be heard fairly, would allow the actual facts to speak for themselves, and at the same time would enable the public authorities to confer freely with their agents and to correct these errors and misapprehensions in our foreign intercourse, which have grown to be serious and embarrassing in many essential respects.

Looking at such a telegraphic connexion with application to the actual position of the country, its importance cannot be well overstated, and there is hardly any undertaking which for substantial merit deserves to commend itself more to public favor, or which would be so serviceable to the nation in its exterior relations.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 289.]

LEGATION OF THE UNITED STATES,
Lisbon, July 28, 1864.

SIR: Our commercial agent at St. Paul de Loando complained to this legation some time ago that the provincial authorities at that place insisted upon demanding and retaining the registers of American ships during their stay in port, much to the inconvenience of our commerce.

As this practice was inconsistent with the general usage, and injurious to trade, I made a representation on the subject to his Majesty's government, which, after a correspondence, has now yielded the point, as will be seen by a translated copy of the Duke de Soulé's note, herewith communicated.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Duke de Soulé to Mr. Harvey.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
July 16, 1864.

I have the honor of informing you, in addition to my note of 10th May last, and in reply to what you were pleased to address me under date of 19th said month, that the minister of marine, in a communication of 9th instant, informs

me of having sent orders to the governor general of the province of Angola to the effect that masters of American vessels entering the port of Loando shall be permitted, as soon as they enter said port, to present to the respective consular agents the registers of their vessels which had hitherto been demanded and retained by the custom-house of said city.

I avail of the opportunity to renew the assurances of my most distinguished consideration.

DUKE DE SOULÉ.

JAMES E. HARVEY, Esq., &c., &c., &c.

Mr. Harvey to Mr. Seward.

No. 292.]

LEGATION OF THE UNITED STATES,

Lisbon, August 22, 1864.

SIR: A letter from the secretary of our legation at London, written in the absence of Mr. Adams, informed me several days ago that the rebel cruiser Georgia had left the port of Liverpool for Lisbon, having been ostensibly converted into a merchantman, and chartered by this government for a voyage to their African possessions.

My attention had been previously called to this matter by newspaper reports and by a telegram from Mr. Dudley, of the 12th instant, giving information that the Georgia had sailed the previous day. The ship-of-war Niagara was then in the Tagus, and the telegram was immediately communicated to Commodore Craven, her commander, who started from here on Sunday, the 14th instant, the third day after his arrival.

Although eleven days have elapsed since the Georgia left Liverpool she has not appeared here yet, and is not now expected. The contract for her voyage to the coast of Africa to carry the mails seems to have been made through the Portuguese consul at Liverpool, in ignorance of the liability of the Georgia to be taken as a good prize on the high seas, and in culpable disregard of her antecedents. He may have been imposed upon by the pretended transfer of the cruiser and the fact that she was dismantled afterwards, which, together with the charter in question, were doubtless devices employed by the parties interested to put to sea under shelter of the British flag.

The government cancelled the contract for the Georgia when informed of the facts, and much feeling was manifested upon 'change and in the newspapers that any terms whatever should have been entertained or made with a vessel of such notorious character. This expression was the more emphatic because the commercial community are seriously embarrassed in their operations for the want of a direct means of communication with Africa, as they depended exclusively upon the charter of a special steamer after the government had dissolved a former contract.

I fear the Georgia has gone to some appointed rendezvous for the purpose of being armed and equipped to depredate upon our commerce. Every vigilance will be exercised here, but at this moment there is no ship-of-war within call, and I am quite ignorant of the movements of those now on this side of the Atlantic.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 293.]

LEGATION OF THE UNITED STATES,
Lisbon, September 2, 1864.

SIR: I have the honor to acknowledge the receipt of your No. 143, and the accompanying extract of a despatch from the United States consul at London.

I shall instruct our vice-consul at Funchal to make immediate inquiries concerning the seamen of the late Alabama, whom Mr. Morse supposes to have been sent to that island for the purpose of being shipped on board a new rebel cruiser, and to take such other measures as the nature of the case seems to require.

A telegram was received here several days ago stating that the cruiser Georgia had been captured on the coast of Portugal by the Niagara soon after the latter left this port, but no official confirmation of the fact has yet reached this legation.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Harvey to Mr. Seward.

No. 294.]

LEGATION OF THE UNITED STATES,
Lisbon, October 1, 1864.

SIR: Our consul at Gibraltar communicated to me the following information, in a letter dated the 26th of September, which reached here last evening:

"I have just received the following from our consul at Malta, under date of the 21st instant:

"'An armed bark-rigged confederate steamer was seen off Sicily yesterday morning. She had three masts.'"

As none of our ships-of-war are now in these waters I could do nothing more than send a telegram (herewith enclosed) to Mr. Sanford, at Brussels, in the hope of reaching the Niagara or Sacramento, both of which were recently reported by the newspapers to be at Antwerp and Flushing. I am wholly ignorant of the whereabouts of the Iroquois.

It is much to be regretted that no system has been devised by which the diplomatic representatives of the government should be informed of the movements of the national ships which have been sent abroad to protect our exposed interests. Nothing would be more simple or easy of execution if the subject could receive the serious attention which it deserves, for the proper application of existing means is all that is needed. Exigencies like the present one frequently occur, and cannot be efficiently met, because no concerted plan for interchanging information between our civil and military agents has been adopted.

There are now three fine ships-of-war in Europe, and I find myself quite unable to communicate directly with either of them, from ignorance of their movements, and that, too, when their service is immediately demanded. So it was when the Florida lately appeared at the Azores, and could have been intercepted by prompt measures, which it was found impossible to adopt for the reason already stated.

This cause of embarrassment must continue to harass commerce and other interests until the necessary steps are taken to organize the naval force now in

Europe, and to require it to be in regular communication with those who are intrusted with another sphere of duty, the success of which materially depends upon its hearty and active co-operation.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Telegram.]

Inform Craven or some other commander that a rebel armed steamer was seen off Sicily a few days ago.

JAMES E. HARVEY.

Hon. H. S. SANFORD,
United States Minister, Brussels.

Mr. Harvey to Mr. Seward.

No. 296.]

LEGATION OF THE UNITED STATES,
Lisbon, October 14, 1864.

SIR: The telegram communicated herewith was received from the United States consul at Liverpool yesterday. Another, containing substantially the same facts, reached this legation on the 11th instant.

This information has been sent to our consul at Madeira; but there is no immediate opportunity of forwarding it to the Azores. It is quite impossible to communicate directly with our naval officers now in Europe, as the whereabouts of the different ships is as unknown to me as to Mr. Dudley at Liverpool. This simple fact illustrates the absolute necessity and importance of at once perfecting some mode of organization by which all the agents of the government abroad may act in concert and with efficiency. Otherwise commerce will be exposed to constant danger from piratical cruisers, and the naval force which is or may be maintained in Europe will continue to be impaired in usefulness.

I venture to hope that this subject may receive the attention of the proper department, and that a simple plan may be put in operation, whereby it will be always practicable to invoke the aid of a ship-of-war in emergencies like the present.

Since the withdrawal of the official agent in the Algarve there is reason to apprehend that the secluded resorts of that part of the coast, which are infested by a bad population, may be at any time employed to our serious injury.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Telegram.]

LIVERPOOL, *October 12—3 p. m.*

Screw steamer Laurel, 269 tons, one funnel, two masts, sailed from Liverpool on Sunday, with Captain Semmes, a number of guns, ten officers, and one hundred men, supposed for some other vessel. Advise consuls at Madeira, &c., and naval officers.

AMERICAN MINISTER, *Lisbon.*

CONSUL LIVERPOOL.

Mr. Harvey to Mr. Seward.

No. 298.]

LEGATION OF THE UNITED STATES,
Lisbon, October 23, 1864.

SIR: I have the honor to communicate herewith a copy of a note which has just reached me from the United States consulate at Madeira, having reference to the suspicious steamer Laurel, to which the attention of our public agents had been recently called by telegraphic despatches and correspondence of Mr. Dudley at Liverpool.

I have the honor to be, sir, your most obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Bayman to Mr. Harvey.

UNITED STATES CONSULATE,
Madeira, October 18, 1864.

SIR: I have the honor to acknowledge your letter of the 14th instant, also one from the consul with the same information.

The screw steamer Laurel arrived here on the 13th instant, for Liverpool, reporting cargo merchandise for Bermuda and Matamoras; crew, forty men, and twenty-nine passengers, said to be Poles going to enlist in the rebel army; none of them came on shore. The Laurel took in 140 tons of coal, and was to have left yesterday evening, but a screw that had to be made was not finished as promised till this morning, when the vessel left quite early, but previous to her departure a steamer was signalled and reported as the port's African packet, but when it came off the port she hoisted English colors and signals, indicating, according to the code, Laurel, and, as the other vessel went out about the same time, it was generally thought it was to give armament to the other to start a fresh pirate. I did not see the vessel, but those who did describe her as a fine-looking three-masted screw, about the size of the Kearsarge, but not strong enough to carry heavy guns.

I give you this statement and leave you to communicate with the United States government as you may think proper.

I believe the pirate Laurel meant to leave on the evening of the 17th instant, yesterday, and, consequently, the other steamer was another Laurel, and, as frequently occurs here, hoisted her real name in order that she might be reported by Lloyd's agent at this place. Had the meeting been previously arranged, it seems to me that some means of communication would have been adopted unintelligible to the student of Marryat.

I have the honor to remain, sir, your obedient servant,

ROBERT BAYMAN.

Hon. JAMES E. HARVEY,
United States Minister, Lisbon.

Mr. Harvey to Mr. Seward.

No. 301.]

LEGATION OF THE UNITED STATES,
Lisbon, November 2, 1864.

SIR: I have the honor to enclose herewith the translation of a letter published in one of the leading journals of this city, which professes to give the details of an event at Bahia that had occasioned much excitement there.

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I am informed that the late commander of the Florida was among the passengers in the Brazilian packet for Southampton yesterday, by which this news was brought to Lisbon.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

[From the *Jornal de Comercio of Lisbon*, November 1, 1834.]

BAHIA.

The papers received by us from this city are of the 13th October. The most important news they contain relates to a serious question between the governments of Brazil and the United States, which has been provoked and caused by the commander of the federal steamer Wachusett, which has dared in the Brazilian waters to attack the confederate steamer Florida, to kill some of her men on board, and to take her away from the port in opposition to international rights, and in spite even of the fire of the corvette Dona Januario, which tried to put a stop to the outrage committed by the commander of the Wachusett.

The following is referred to in the *Jornal de Bahia*:

Treason, insult, and cowardice.—We have now to register another outrage to our sovereignty, another insult made to our means of defence.

The public is already aware of the occurrence which took place in our port between the North American steamer Wachusett and the confederate Florida, but as it might be appreciated unjustly, and to the detriment of our national honor, we shall minutely relate all the circumstances as they took place. The steamer Florida, belonging to the southern Confederate States, had entered our port on the 5th from Santa Cruz, Teneriffe, in sixty-one days, to repair her machinery and take in provisions and water, as the crew had been under one ration of salt beef and drinking filtered sea-water. The American consul claimed from the president of the province that she should not be admitted in the port, and that she should be brought to account for not having respected the Brazilian waters, she having set fire to an American vessel near the island of Fernando Noronha. The president declared that he had allowed her two days which she required to repair her machinery.

The North American steamer Wachusett was lying in port. As soon as the Florida came in there had been an evident movement on board of her.

Fearing some rencontre, as a *cartel* had been issued, the provincial president obtained from the American consul his word of honor that the country would be respected, and that no occurrence would take place inside the port or the national waters.

The Florida for greater security placed herself under the batteries of the flag-ship.

On the 6th, the latter's crew being much in need of repose, one half thereof had liberty given them and went on shore, returning on board in the evening, many of them quite drunk, and the commander of the Florida, considering himself safe in a neutral port, allowed eighty of his crew and several officers to sleep on shore on the night of the 6th instant. At 3.10 a. m. the officer on watch, Hunter, jr., was surprised to hear that on board the Wachusett they were slipping their chains, and he immediately called his crew to quarters—a very difficult operation.

Almost at the same instant he was being boarded by some boats full of men, who received from the Florida a discharge of musketry, but the Wachusett

came to the relief of her boats without its having been perceived, having smothered his fires and availed herself of the very dark night. She had left her anchorage and swiftly proceeded to the Florida, passing under the stern of the *Dona Januario*, the latter ordering her immediately to cast anchor, to which the commander of the Wachusett paid no attention, but rapidly threw herself on the Florida's stem which was lying to the north with her head to the flood. Hardly was she on the Florida but she fired her bow-gun on her with shot and canister, and sending on board the Florida (which at once lost a mast) many of her men, and receiving a slight volley from the Florida. It is reported that there were many deaths on both sides in the fight which then took place, chiefly hand to hand, both sides being armed with swords and revolvers, but it lasted a short time, as the Florida's crew only consisted then of about fifty men. Among the dead the officer on watch is reported as having received a ball in his chest and having been subsequently hung; that the officer, Stone, having killed more than six men, and finding himself surrounded and overpowered, had fired into his own mouth, thus expiring immediately, and that another officer who had jumped on board the Wachusett had then stabbed and killed six men, but had himself subsequently been killed.

Of fifteen sailors who threw themselves overboard four escaped, having been picked up by merchant vessels lying near. The remaining eleven were shot by the enemy, who fired nine shots on one man alone. This rapid fight was followed by a short silence, which gave place to prolonged *hurrahs* from on board the Wachusett.

The chief of division, Gewazio Manceba, sent a boat under Lieutenant Varella to the Wachusett, to order the commander immediately to cast anchor, as he would sink her if the manifestations were continued. The commander replied, under his word of honor, that he would do nothing further, and that he would immediately return to his moorings. This reply was given to the officer, the commander not permitting him to come on board the steamer. But the Wachusett had rapidly passed a tow-rope to the Florida, and, pretending to resume her moorings, proceeding, steering southwest, passed at a distance of a cable's length from the *Dona Januario's* bow; the latter then fired eight shots at the steamer, which made no reply, but, on the contrary, tried hard to get beyond reach of the corvette's range. The latter's shots almost all struck the steamer, as the *uns* were pointed by her best artillerymen.

In this state of things, the crews of all the ships of war being at quarters, the chief of the division ordered the steamer *Paraense*, who had her fires lighted from the commencement of the fight, to take the corvette in tow as soon as she had sufficient steam, and the corvette aiding with her sails, so as to be in a position to retake the prize. The division got under way in the following order: steamer *Paraense*, corvette *Dona Januario*, and *hiate* *Rio de Contrás*. Judging by the speed at which the North American steamer was towing the Florida, it was expected that the corvette would gain on her. When outside the lighthouse the chief of division called all the officers to his cabin, and invoking their attention to the insult which had been received, declared that he was going to sink the steamer to retake the prize and bring her back to port if possible; that, burning with indignation, he was prepared to sacrifice to demonstrate that the honor of a nation was not to be thus wounded with impunity. These expressions were received with enthusiasm by all the officers, who called for the fight with immense ardor. Chase was immediately given to the steamers, which were ahead at a distance of five miles, and doing their best to run away.

Up to 7 o'clock in the morning the *Paraense*, with the corvette in tow, was gaining on the American ships in a decided manner; the fight appeared now certain; but the wind died away gradually. The Florida, which up to this moment was being towed, began to steam and had her sails out, thus, along with the Wachusett, gaining ground and ignominiously running away from our ship.

The corvette continued a vigorous chase, as well as the other vessels, while the Americans pursued their flight. After losing sight of land, and the fugitives being likewise out of sight, the pursuit was given up at 11.45 a. m.

We are told that the enthusiasm, valor, and courage displayed by the chief, his officers, commander of the corvette, and the respective crews, were indescribable.

It being impossible to do more, the chief of division with his staff came on board the steamer *Paraense* and entered the port at 3.30 p. m., leaving outside the corvette and *hiate* Rio de Contrás.

The Florida was repairing one of her engines, some of the tubes whereof are now in the navy yard.

It is to be deplored that none of the forts should have fired at least one shot, especially the Gambon fort, as the fugitives passed within one-third shot distance from her. The sea fort, when the boarding took place, merely fired three blank shots as a signal. Although badly armed, these forts might have caused some damage to the fugitives, and perhaps have forced them, by some unexpected effect of the shots, to stay their course; nevertheless everything and everybody appeared to be asleep when the honor of the country was in danger.

It cannot, however, be denied that the North Americans have committed in our port, within our waters, an act of barbarism, or rather of real piracy, which is tantamount to an infamous treachery towards their adversaries, an insult to us, and a shameful cowardice on the part of a nation which prides itself on its naval strength.

Reprisals.—Yesterday when the news was known in the city of the insult offered to us by the American steamer *Wachusett*, which captured at night within our port the confederate steamer *Florida*, a mob of people went to the office of the American consul at the Conceição and pelted with stones the coat of arms which hangs over the door, took it down, and rolled it along the streets. In front of the custom-house some of the Florida's crew wanted to secure the coat of arms, which, however, was not given up to them.

The police immediately sent a force to the house where the consulate is located, and kept guard on the house till night-fall.

Exequatur.—The president of the province cancelled, yesterday, the exequatur of the American consul.

The American consul, Wilson, who had slept on board the *Wachusett* went away in the steamer, abandoning his consulate.

NOTE.—In order to save the mail, it was necessary to employ the hands of two copyists.

J. E. H.

Mr. Harvey to Mr. Seward.

No 304.]

LEGATION OF THE UNITED STATES,

Lisbon, November 29, 1864.

SIR: The United States steamer *Sacramento* arrived at this port on Saturday evening, and I had a conference this morning with her commander in regard to his movements, with reference to the rebel cruisers now afloat and depredating upon our commerce. The orders of that officer confine his cruises to the coast of Europe, where the services of his ship are not as much required as among the mid-ocean islands, to be guided by information received here. He is anxious to do all that a sense of duty demands, and in an emergency would be governed by imperative circumstances for justification in departing from the strict letter of orders, which are the law to every proper and obedient officer.

There are frequent occasions when it might be proper for the minister at Lisbon to advise a cruise in the direction suggested or elsewhere, without having sufficient data to justify him in assuming a responsibility which might seem to conflict with the standing instructions of the Navy Department to its officer. And herein lies the difficulty and embarrassment of restricted orders for this distant service, which cannot foresee the contingencies that have so often occurred to the public disadvantage, and that have very recently been repeated in the equipping and arming of a new rebel cruiser called the *Shenandoah* at the Desertas of Madeira, under the supposed command of R. Semmes, formerly of the Alabama.

It was well known in Liverpool that a steamer called the *Sea King* was to be converted into a hostile cruiser, and that another steamer called the *Laurel* was to proceed to an appointed rendezvous, with the armament to be transferred at a fitting opportunity. That information was in my possession long before either vessel left England, but every effort on my part to communicate with one of our vessels-of-war failed, mainly from the want of knowledge of their whereabouts, and the criminal enterprise succeeded, with abundant means at our disposal to prevent it.

In saying that, I refer to the fact that the *Niagara* has been practically tied up for several months at Flushing, Antwerp, and the British colonies, and, as is understood, waiting for the orders which are to regulate her future movements. There is no present necessity or even good use for a vessel-of-war in that part of Europe, while there have been constant and urgent reasons for one or two war steamers plying between this port and the Azores, Madeira, Teneriffe, and Cape Verde.

I have on several occasions ventured to suggest a plan of organization for the naval force now in Europe, predicated upon my personal experience and observation. The pressure of more imposing duties has not hitherto allowed it to receive attention; but it is quite obvious that unless some system be adopted by which greater efficiency will be given to this force our commerce will be exposed to renewed outrages, and the government to the reproach of having abundant resources for its protection, without seeming to have the disposition or the wisdom to apply them.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

ITALY.

Mr. Seward to Mr. Marsh.

[Extract.]

No. 88.]

DEPARTMENT OF STATE,
Washington, January 7, 1864.

SIR :

You will please make acknowledgments to the minister for foreign affairs for the liberal and friendly answer of the Italian government to my suggestion concerning a purchase of the ships-of-war recently built for its use at New York.

The attention of statesmen, measurably withdrawn from America, seems to be now fastening itself entirely upon European questions. Information concerning these questions has a certain value for us, although we have no direct interest in or responsibility concerning them. The position you occupy doubtless enables you to study the events occurring on the shores of the Mediterranean from the Alps to the Adriatic, while your long experience will assist you to form prudent judgments concerning their tendency and probable results.

For these reasons your correspondence is regarded, at the present moment, with special interest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin.*

Mr. Seward to Mr. Marsh.

No. 89.]

DEPARTMENT OF STATE,
Washington, February 1, 1864.

SIR: Your despatch of January 8, without a number, has been received. The President does not distrust the friendship of the King of Italy. The correspondence between Jefferson Davis and the Holy Father, although it necessarily assumes some significance in Italian and certain other continental circles, produces no effect here. The temper of the people has become too calm and firm to be disturbed by foreign speculations upon our domestic affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin.*

Mr. Seward to Mr. Marsh.

No. 90.]

DEPARTMENT OF STATE,
Washington, February 25, 1864.

SIR: I have received your despatch of February 2, No. 83, and I thank you very sincerely for the careful and comprehensive survey of European politics

which it presents. Since it was written war has begun between Germany and Denmark, and the discussions which that event have elicited in Great Britain seem to justify your speculations upon the probable course of her Majesty's government with regard to it.

Our own affairs continue to improve. The movement of General Sherman involves very important consequences if it shall prove successful.

Political activity is now being directed towards the canvass, preparatory to the presidential election.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin*.

Mr. Seward to Mr. Marsh.

No. 93.]

DEPARTMENT OF STATE,

Washington, March 9, 1864.

SIR: Your despatch of February 16, No. 84, has been received. The information received here from northern Europe tends to support the opinion you have adopted that the war between Germany and Denmark is not likely to spread beyond its present limits or to continue long. Doubtless there are elements of strife in the Mediterranean countries, but they originate in causes which are of a chronic character, and it seems probable that all parties will prefer to postpone operations during the present year.

Our own campaign is opening with an army virtually renewed. The election indicates increased soundness and steadiness of public opinion, and devotion to the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin*.

Mr. Seward to Mr. Marsh.

No. 96.]

DEPARTMENT OF STATE,

Washington, April 19, 1864.

SIR: Your despatch, No. 87, of the 21st ultimo, marked *confidential*, has been received, and I thank you for the very interesting summary which it presents of the prominent political questions which now engage the attention of European statesmen.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin*.

Mr. Seward to Mr. Marsh.

No. 102.]

DEPARTMENT OF STATE,

Washington, June 15, 1864.

SIR: Your despatch without number, dated May 6, accompanied by printed copies of two treaties lately concluded between the kingdom of Italy and the French empire, and of a ministerial circular extending the benefits of those treaties to the states referred to in the circular, has been received and duly considered. The President is pleased to learn that your efforts to secure for the

United States the privileges accorded by the treaties in question to France and to the states mentioned in the circular have been successful.

Pursuant to the request made by you at the instance of the secretary general of the ministry of foreign affairs, the President instructs me to transmit the accompanying full power, authorizing you to negotiate with his Majesty's government a new treaty of commerce to take the place of the existing treaties between the United States and the kingdoms of Sardinia and the two Sicilies. You will accordingly, upon the receipt of this instruction, make known to his Majesty's government your readiness and authority to enter upon the negotiations with any person similarly empowered on its part, and you will proceed to prepare a projet of a convention which shall embody the principal features of the two treaties last referred to, with such modifications and additions as your experience and known familiarity with the respective interests of the two countries may suggest. When such a projet shall have been drawn up, and agreed to by his Majesty's plenipotentiary, you will forward a copy of it hither for the consideration and further instruction of the department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin*.

Mr. Seward to Mr. Marsh.

No. 121.]

DEPARTMENT OF STATE,

Washington, November 19, 1864.

SIR: I have read with much interest your confidential despatch of the 25th October, which is devoted exclusively to Italian politics.

Italy being a hereditary monarchy in the house of Savoy, has, in that circumstance, a guarantee of considerable value against the demoralization which might be expected to follow a change of capital from its western interior position to an eastern one, or near the Mediterranean. Time will probably materially modify the political sentiments of the Italian people, and thus impair the guarantee I have mentioned. As a distinct proposition I should think any removal of the capital unwise, and a removal to Rome most unwise of all. But Italian statesmen seem to think otherwise, and we may wisely, perhaps, leave the question to their judgment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c., *Turin*.

Mr. Marsh to Mr. Seward.

No. 76.]

LEGATION OF THE UNITED STATES,

Turin, July 20, 1863.

SIR: I received last evening a note from the ministry of foreign affairs, a translation of which is herewith annexed.

As the ministry has been several times changed since August, 1861, it is, perhaps, not strange that my note to Baron Ricasoli, dated on the 26th of that month, proposing the negotiation of a convention between the United States and the kingdom of Italy for the recognition of the principles of maritime law declared by the congress of Paris, should not be known to the members of the present cabinet, but it is remarkable that the government of France, after having

communicated to that of Italy our proposal of adhesion in terms implying that the adhesion had been accepted, should not have informed the Italian government that the proposed convention was not consummated.

The minister of foreign affairs receiving only on Saturdays, I had an interview with the secretary general this morning, referred him to my note of August 26, 1861, which I found was familiar to officers who have been longer in the department than Mr. Cerruti, explained to him the reasons why our adhesion must be given, the form of a convention, and stated the causes of the failure of the regulations at London and Paris in 1861.

Mr. Cerruti informed me that the proper action to be pursued by his government towards vessels under the confederate flag had been discussed by the diplomatic council, upon the supposition that the adhesion of the United States to the principles adopted by the congress of Paris had been formally given and accepted, and he added that the failure of the negotiations for that purpose gave the question a new aspect in some respects, and would, perhaps, somewhat modify the conclusions at which the council had arrived.

The point raised by my note of July 11, 1861, was then discussed, and I learned that the government had consulted some of the ablest Italian jurists on the subject. The question of the probability of nationalizing and investing with an official character as a ship-of-war a foreign-built vessel never brought within the territorial jurisdiction of the states by which it was commissioned was, as Mr. Cerruti informed me, considered a matter of much delicacy and difficulty; but though I do not expect that this government will fully concede the grounds I assumed, I was assured that such order would be given to the local authorities as would substantially answer the purpose I had in view, in case a confederate cruiser should enter an Italian port. I ought to add that Mr. Cerruti expressed the continued sympathy of his government for our cause, and I have no doubt of the entire sincerity of these assurances.

The conduct of this government is the more entitled to a generous appreciation by us because the cutting off the supply of cotton is a severe injury to Italian industry, especially at a moment when both vine culture and silk husbandry are suffering such ruinous consequences from the maladies of the grape and the silk worm; and apprehensions are entertained of serious disturbances from the expected suspension of large cotton factories near Genoa, which would throw many hundreds of laborers out of employment.

We have this morning a very brief telegraphic despatch, with news to the 9th of this month, to the effect that Vicksburg has surrendered, and that Lee has been defeated in Pennsylvania.

I beg leave to offer my congratulations to the government on these auspicious events.

I have the honor to be, sir, very respectfully, your obedient servant,
 GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Translation of a note from the minister of foreign affairs, to accompany despatch 'No. 76

TURIN, July 17, 1863.

MR. MINISTER: In the month of August, 1861, the government of the Emperor of the French informed us that the United States of America had declared their intention of accepting the principles of maritime law proclaimed by the congress of Paris, and that the imperial government was ready to certify (*constater*) the pure and simple adhesion of the United States.

Not having received any communication on that subject from the federal government, I beg you, Mr. Minister, to inform me, whether the act of adhesion of the United States to the declaration of the congress of Paris has been officially received, and at what precise date this formality was accomplished.

I beg you to accept, &c.

For the Minister :

M. CERRUTI.

Mr. Marsh to Mr. Seward.

[Extract.]

No. 78.]

LEGATION OF THE UNITED STATES,

Turin, August 17, 1863.

SIR: I have the honor to acknowledge the receipt of your instructions, (Nos. 77 and 78,) and to express my sincere thanks for the leave of absence so kindly granted me.

I have received from several of the ministry warm congratulations on the recent successes of the federal forces, though I have reason to believe that one or two members of the present administration are inclined to espouse the confederate cause. The hope of obtaining the cession of Venice from Austria, as one of the conditions of the establishment of an Austrian prince on the throne of Mexico, is not altogether without influence.

* * * * *

I am, most respectfully, your obedient servant,

GEORGE P. MARSH.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Marsh to Mr. Seward.

[Extract.]

No. 80.]

LEGATION OF THE UNITED STATES,

Turin, December 1, 1863.

SIR: * * * * *

In conversation with the minister of foreign affairs yesterday morning, the minister alluded to a recent proposal in behalf of the United States government for the purchase of the iron-clad frigates now building at New York for the King of Italy, and said that his Majesty's government would very gladly oblige that of the United States in the way proposed; but that the possible and even probable necessities of Italy were such, that in the present aspect of affairs the ministry would not think itself, or be thought by the nation, justifiable in depriving it of any element of military strength which it now possessed or could command. He begged me, however, to be assured that his Majesty's government continued to feel the strongest interest in the prosperity of the United States and the success of the federal authorities in putting down the present unnatural warfare, and added that it would always be happy to give us any proof of its friendship consistent with the usages of modern international law and civilization.

I am happy to say that the recent expositions of the condition of affairs in America, from the State Department at Washington, have produced a very favorable impression in most parts of the continent, especially in Italy; and

though the conduct of the war by the Federal government is still criticised as wanting in energy and severity towards the rebel States, yet its management of our relations with Europe receives unqualified praise from all those European statesmen who are liberal enough to find anything to applaud in the acts of a republican government.

I have the honor to be, sir, respectfully yours,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Marsh to Mr. Seward.

No. 81.]

LEGATION OF THE UNITED STATES,
Turin, January 8, 1864.

SIR: According to the custom of this court, the members of the diplomatic corps at Turin were separately received, in private audience, by the King of Italy on the last day of the year 1863. In my interview with his Majesty he inquired respecting the recent intelligence from America, but made no further observations beyond the expression of a hope that the present struggle, which was attended with consequences so injurious to the industry of Europe, might soon be brought to a close.

The two leading administration papers at Turin, the *Opinione* and the *Stampa*, which were formerly favorable to the interest of the Union, having lately deserted them and virtually espoused the confederate cause, and the *Opinione* being generally regarded as a semi-official organ of the government, I thought it proper to draw the attention of the ministry of foreign affairs to some offensive articles on this subject in the columns of the latter journal, and I expressed the hope that they were not to be regarded as authorized by the administration, or as expositions of the sentiments and opinions now entertained by it. I was assured, in reply, that the government was in no way responsible for the articles in question, and did not share the views of the writers.

I forward, through Mr. Miller, the *Opinione* of September 28 and of December 30, containing leading articles which will give you an idea of the spirit with which that able and influential, as well as otherwise calm, liberal, and candid journal, is animated towards us.

Although, as I have remarked in former despatches, the Federal cause is not, upon the whole, increasing the number of its friends on the continent, we have still the good wishes of nearly all the friends of progress in Italy, and even so unimportant a circumstance as the recent publication of the correspondence between Jefferson Davis and the Pope has produced an impression quite favorable to us.

The letters are thought by many to show that between the great enemy of African liberty in America and the great enemy of all liberty in Europe a sympathy exists which is not shared by the people of the north, nor the government which represents it. The letters have been published in all the liberal papers in Italy, except those hostile to the Union cause, which, so far as I can learn, have not noticed the correspondence in their columns.

I have the honor to be, sir, very respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Marsh to Mr. Seward.

No. 91.]

LEGATION OF THE UNITED STATES,

Turin, April 16, 1864.

SIR: I enclose herewith a copy of No. 89 of the Official Gazette of the kingdom of Italy, for the present year, dated April 13, containing a royal decree on the subject of the entrance of foreign ships-of-war into Italian ports, and I forward in another envelope No. 90 of the Gazette, containing the report on which the decree in question is founded.

I have this morning called the attention of the minister of foreign affairs to the provisions of this decree, and inquired whether it was intended to apply them rigorously to our only vessel-of-war at present in the Mediterranean. The minister replied that such was not the purpose of the government, and that the decree would not, in the actual state of things, be held to apply to our small naval force in that sea, or to make any change in the extent of the privileges hitherto allowed to us for the convenience of our armed vessels in Italian ports.

The report, as you will observe, paragraph sixth, seems to imply that the decree would not be considered as extending to us under present circumstances, and the minister observed that the eighth article of the decree might be considered as embracing our case, we having no ships-of-war in the Mediterranean sent out for belligerent purposes.

For the present, then, we are not likely to be embarrassed by the provisions of the new decree; but if our force should be augmented, or if confederate cruisers should make their appearance within the straits of Gibraltar, a less liberal rule of action toward us might be adopted.

I am, sir, very respectfully, your obedient servant,

GEORGE P. MARSH.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

VICTOR EMANUEL II, BY THE GRACE OF GOD AND THE WILL OF THE PEOPLE,
KING OF ITALY.

Having in view the royal patent of 24th November, 1827, which settled the regulations of the ports; the penal law affecting the merchant service, dated 13th January, 1827; the royal decree of 22d December, 1861, which extends to the new provinces of the kingdom the laws and regulations for the merchant service in force in the old provinces; considering the state of existing relations existing between Italy and other maritime states which are engaged in open hostilities; considering the prerogative reserved by international maritime law in respect of some particular points along the coasts of a maritime state, in view of upholding and guaranteeing the neutrality of the kingdom toward belligerent powers, and to enforce under any circumstances those rights which may possibly arise out of or flow from such a condition, as well as for the object of preserving its freedom of action intact; on the suggestion of our minister of marine, in concert with that of the minister for foreign affairs, we have decreed and do decree:

ART. 1. It shall not be allowed that any vessel-of-war, armed and on a cruise, of any belligerent state, enter and sojourn with prize in the ports or roadsteads of the kingdom except in cases of stress.

ART. 2. In case of entry under stress, ships-of-war armed for cruising, referred to in the preceding, and under the conditions therein pointed out, must re-

move from the coasts of the kingdom as soon as the cause which compelled them to seek refuge has passed away, with reserve of the provisions of article 11.

ART. 3. No sale, exchange, barter or gift of objects proceeding from prize shall be made under any pretext in the ports, roads or coasts of the kingdom.

ART. 4. Every Italian subject is forbidden from taking a commission from a belligerent party to arm vessels for war, or accept letters of marque, to make cruising voyages, or assist in any way in equipping, arming, or fitting out a vessel-of-war or cruiser, for the aforesaid belligerent parties.

ART. 5. In support of article 35 of the penal code for the merchant marine, every subject of the King of Italy is prohibited from enlisting or taking service in a ship-of-war, or armed for a cruise, of any belligerent state.

ART. 6. Those subjects who shall contravene the prescriptions of the preceding articles 4 and 5, or commit any act in behalf of a belligerent power contrary to the duty of neutrality maintained by the government of Italy toward the said parties, shall not have a right to protection against any act or measure which the belligerent shall think fit to exercise over the same, without prejudice to the punishment which by effect of this decree is threatened against them in provisions of article 80 of the penal code for the merchant marine, dated 13th January, 1827.

ART. 7. No vessel-of-war or belligerent cruiser shall sojourn more than 24 hours in any port, roadstead, or coast of the kingdom, or the adjacent waters, although she present herself alone, except in cases of stress from stormy weather from damage or failure of provisions necessary to the safety of her voyage.

ART. 8. Ships-of-war of a friendly power, although belligerent, can enter and sojourn in the ports, roads, and on the coasts of the kingdom, in case the scope of their mission be entirely scientific.

ART. 9. In no case shall a belligerent vessel make use of an Italian port with a view to war, or to provide herself with arms and ammunition; she shall not under pretext of repairs do any work that may augment her war power.

ART. 10. Vessels-of-war or belligerent cruisers shall not be denied provisions, commodities, and means for repairs purely necessary for the subsistence of the crew and the safety of the voyage.

Those ships-of-war or belligerent cruisers which seek a supply of fossil coal cannot take in this supply later than 24 hours after their arrival.

ART. 11. When vessels-of-war, cruisers, or merchant vessels of two belligerent parties shall be together in port, roads or on the coasts of the kingdom, there must be a space of at least 24 hours between the sailing of a belligerent party, and the following departure of the other party. This interval may be extended according to circumstances by the maritime authorities of the place.

ART. 12. In the ports considered as marine fortresses, or military or armed ports, where places for anchorage are permanently fixed, and arsenals and naval ship-yards, foreign vessels-of-war cannot sojourn in number greater than the flag of the port, or for longer term than eight days. That period of sojourn can only be prolonged in case of stress or damage, after formal permission from the royal government, for which the local authority of the port must apply through the minister of marine.

ART. 13. The ports and anchorages in the preceding article are the following: Genoa, and its adjacent shores, towards the open sea; the Gulf of Spezzia, Leghorn, Porto Ferrajo, Naples, Baia, Castellamare, Gaeta, Messina, and the anchorages of the Pharos of Reggio, (Calabria,) Millazzo, Siracusa, Augusta, Palermo, Trapani, Taranto, Brindisi, Ancona, Cagliari, Madalena island.

ART. 14. The maritime authorities at the places indicated in the preceding article, on the arrival of foreign vessels-of-war, must send to their commander or the chief officer of the same a copy of the present dispositions for their government, and a request that they will conform to them.

ART. 15. All the naval authorities of the government must look to the exact fulfilment of whatever is prescribed in this present decree, which will take effect from the day of its publication in various parts of the kingdom.

ART. 16. All arrangements now in force are abrogated in whatever parts they may be in conflict with this decree.

We order that the present decree, under the seal of state, be inserted in the official collection of the laws and decrees of the kingdom of Italy, ordering all to regard, observe, and keep the same.

Given at Turin, 6th April, 1864.

VICTOR EMANUEL.
E. CUGIA.

Mr. Marsh to Mr. Seward.

No. —.]

LEGATION OF THE UNITED STATES,
Turin, May 6, 1864.

SIR: I have the honor to forward you by this post printed copies of two treaties lately concluded between the kingdom of Italy and the French empire, and of a ministerial circular extending the benefits of these treaties to the states referred to in the circular in question.

You will observe that the United States are not among the nations enumerated in the circular as entitled to the privileges secured to France by these treaties, and the custom-house authorities at Genoa and elsewhere of course do not think themselves authorized to admit merchandise imported from America upon payment of the reduced duties stipulated by the new treaty with France. This fact became known to me only in the course of the last week, and I at once called the attention of the ministry of foreign affairs to the subject.

Some difficulties were raised by the ministry of Vienna, but after several discussions with the secretary general of the ministry of foreign affairs, the minister not having received the members of the diplomatic corps for the last two weeks, I have been this morning informed by the secretary general that it was decided to put our commerce on the same footing with that of other nations which have concluded treaties of commerce with Italy, and that orders to that effect would be immediately given to the custom-house officers in the ports of this kingdom.

The secretary states that his government desires to negotiate a new treaty of commerce with the United States, and requests me to ask full powers and instructions for that purpose. Our treaty with Sardinia differs in many particulars from the last treaty concluded between the United States and the Two Sicilies. I am told that the Italian government regards all treaties between foreign states and the kingdom of the Two Sicilies as abrogated, at least for most purposes, by the annexation of that kingdom to Sardinia, and considers the treaties between these states and Sardinia as now extending to the whole kingdom.

It is easy, however, to see that upon the revival of our commerce with Sicilian ports it may become an important question whether we are not entitled to the rights and subject to the responsibilities established by the treaty with the kingdom of the Sicilies so far as regards commercial operations in these ports.

The anticipation of such difficulties is an argument of some weight for the negotiation of a new treaty, and the ministry of foreign affairs desires that certain privileges—the surrender of deserters from the Italian commercial marine in our ports, for instance, and reciprocally of deserters from our merchant ships in Italian ports—which have been conceded to other nations, be mutually secured to each other by the United States and Italy.

I have the honor to be, sir, very respectfully, yours,

GEORGE P. MARSH.

HON. WILLIAM H. SEWARD, *Secretary of State, Washington, D. C.*

Mr. Marsh to Mr. Seeward.

[Extracts.]

No. 102.]

LEGATION OF THE UNITED STATES,

Turin, September 19, 1864.

SIR: You will have learned that a treaty for the withdrawal of the French garrison from Rome has just been concluded between the Italian government and the Emperor of France. Rumors of pending negotiations to that effect had, indeed, been some time in circulation, but they were generally regarded as but the hundredth repetition of reports which never had a solid foundation, and the Italian people were quite taken by surprise by the official confirmation of them.

The conditions of the treaty are not yet made public, but it is known that among them is a stipulation on the part of Italy to transfer the seat of government from this city to Florence. It is also believed that there is a provision for the assumption of a large part of the public debt of the pontifical government by this kingdom, and it is much feared that the Italian government has, by express promise, or by secret or implied pledge, entered into engagements which are tantamount to a renunciation of the claims of Italy upon Rome as her national capital.

I regret to say that I do not think it improbable that this apprehension is substantially well founded. The known opinions and sympathies of some Italian statesmen who are believed to have been active in effecting the conclusion of the treaty, and many other circumstances, give countenance to this view of the subject, and I have no doubt that this Italian ministry understands the Emperor Napoleon as considering the removal of the seat of government to Florence to be a virtual abandonment of the purpose of establishing it at Rome, though it is not likely that such an engagement appears on the face of the treaty, or has been in any way *formally* entered into.

It is not to be denied that there is much popular dissatisfaction with the policy of this administration in many parts of Italy, and that political agitators, Romish, Bourbon, and Mazzinian, are constantly putting the question, What has Italy gained by her pretended unity? But, after all, there is no question that the belief of a community of interests, the consciousness of a national life, and the conviction that immense advantages to the whole Italian people have already resulted from the gathering of the different provinces under one political organization, are strong and rapidly growing sentiments throughout the peninsula. This, I have reason to believe, is scarcely less true of Naples than of the rest of the kingdom. Distracted as the rural districts of southern Italy are by brigandage and priestly and political intrigues, the recent progress of the city of Naples and of all the most populous parts of the adjacent provinces in material prosperity, in intelligence, in public order, and respect for law has been extremely rapid, and that population seems now hardly less attached to the new government than any others of its subjects. Ten years ago Naples and its dependent territory were socially, morally, and politically more degraded than Spain, or even Greece, but they have now left these states far behind them in the march of substantial improvement. The dynastic views of the French Emperor will find no support in Naples. The Murat faction, always insignificant, has ceased to exist, and the partisans of Francis II keep their numbers good only by the recruits who are sent them by Pius IX and their own fugitive King.

The question of the removal of the seat of government is naturally a very exciting one for Turin, and the transfer will meet with a determined and, perhaps, very formidable opposition from the people and politicians of Piedmont. Turin has been a royal capital for generations. It can hardly be said to have

had any other existence or source of life than as a governmental residence, and all its local institutions, all its social habits, all its industrial life, have been modelled accordingly. Its growth, though slow, had been steady, but it received a sudden stimulus in 1848, then an abrupt check from the expectations of the removal of the court to Rome in 1860, and then a new and strong impulse from the rapid increase of the number of its inhabitants, and the apparent defeat or indefinite postponement of the realization of those expectations on the retirement of the Ricasoli ministry in 1862.

Since that period a very large number of new houses have been built, or rather commenced, to accommodate the excessively crowded population of the city. The mode of construction prescribed by the customs of the country and by municipal regulations is enormously costly, and a long time elapses between the laying of the foundations and the actual occupancy of the huge piles which are erected as dwellings. Hence a large capital—often borrowed for speculation in building—has been invested in houses, few of which are yet in a state to receive tenants. The proposed change of capital threatens these operations with at least a long suspension, and the enterprising constructors and their creditors with ruin, and at the same time menaces a town which is the winter residence of almost every influential family in Piedmont with the utter prostration of all its material interests.

There has, however, thus far, been no ebullition of popular feeling nor any violent expression of public dissatisfaction. All are anxiously waiting the disclosure of the terms of the treaty and the action of Parliament upon them, and in the mean time preparing for a strenuous opposition to the proposed change, which will find many powerful adversaries in other provinces as well as in this.

Parliament is summoned to meet on the 4th of October, and it is supposed it will be very soon dissolved, and the election of a new chamber ordered to assemble soon at Florence. It is also thought probable that the King, the court, and the ministers will spend the winter at that city, but that the secretaries general of the departments and the inferior *personnel* of the public offices, as well as the archives of the kingdom, will remain at Turin for several months longer, and that the ordinary routine of public business will go on here until perhaps another summer.

If this plan of a *divided* capital is adopted the diplomatic corps may be embarrassed in the choice of a residence. It being usually impossible to hire houses here for short terms, most of the foreign ministers, I unhappily among the rest, have taken apartments and offices on leases which have still at least a year to run, and we shall very probably be obliged to take apartments and keep offices open both at Florence and at Turin. The question of removal of the capital and of my own principal residence will necessarily be decided before I can hear from the department. I shall endeavor to act solely with reference to the public good; but as I shall in any case be obliged to submit to a heavy pecuniary sacrifice, I shall hope for the indulgence of the President in case I am thought to have made an erroneous decision.

I have the honor to be, sir, very respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Marsh to Mr. Seward.

No. 105.]

LEGATION OF THE UNITED STATES,

Turin, September 27, 1864.

SIR: I shall avail myself of the earliest private opportunity to forward to you the journals and other publications recently issued at Turin which contain the history of the deplorable events of the last week, and of the negotiations

which led to these events, with such observations on them as the best information at my command suggests. In the mean time, for reasons which need not be suggested, I limit myself to the statement of a very few facts. The number of lives lost in the collisions between the citizens, the police, and the soldiery, is believed to be larger than has been publicly admitted. Some well-informed persons estimate it at not less than a hundred, but I think that this is probably an exaggeration.

There is good reason to believe that the police is in a great measure responsible for the first resort to actual violence; and the government has tacitly admitted this by dissolving the branch of that service which is thought especially culpable.

As to the conduct of the ministry of the interior, which is fiercely assailed, it is difficult to get at the truth; but I find it impossible to resist the conclusion that a less precipitous and more conciliatory course on its part would have saved the effusion of much of the innocent blood which has been shed—I say *innocent*, because it is positively asserted, and is, so far as I know, an undisputed fact, that not one of the citizens killed or wounded was found to have been armed.

It is also stated, and I have not seen the statement contradicted, that the death of most, if not all, of the soldiers who were killed is to be ascribed to the folly of their commanders, who posted them on three sides of a public square of no great extent, so that when the order was given to fire on the crowd in the centre the opposite lines of troops were exposed, at very short range, to each other's balls.

General La Marmora has not yet succeeded in forming a ministry. Baron Ricasoli has been in consultation with La Marmora, and it is hoped that he will accept a place in the cabinet. No man deserves or enjoys the confidence of the Italian people in a higher degree than Ricasoli, and I know of nothing which would go further to calm the present excitement than his acceptance of the position of minister of foreign affairs.

The *Opinione*, of this city, which was understood to be the special organ of Mr. Monghetti, and which, I suppose, expresses the views of General La Marmora, admits this morning, for the first time, that the treaty which had been declared by the government journals to be already complete and binding must be submitted to Parliament.

The stipulations of the convention have not yet been made public, and of course it is impossible to pronounce at present how far the sanction of the legislature is required for its validity.

The fifth section of the constitution of 1848 is as follows:

"The executive power belongs to the King alone. He is the supreme head of the state; commands all the forces by land and by sea; concludes treaties of peace, alliance, commerce, and others, giving notice thereof to the Chambers as soon as the interest and the safety of the state permit, and adding the necessary communications. Treaties involving a burden to the finances or changes of the territory of the state shall not have effect until the assent of the Chambers is obtained."

The *written* treaty may be unobjectionable, but it is hardly to be supposed that Parliament will sustain the government in carrying out any convention without satisfactory assurances as to the nature and extent of the secret articles and moral guarantees which may accompany it.

I am, sir, respectfully, your obedient servant,

GEORGE P. MARSH.

HON. WILLIAM H. SEWARD,
Secretary of State.

DENMARK.

Mr. Wood to Mr. Seward.

No. 146.]

LEGATION OF THE UNITED STATES,
Copenhagen, February 15, 1864.

SIR: On the 13th instant I had audience of his Majesty to deliver the letter of the President responsive to the announcement of the death of the late King Frederick VII. I was also received by her Majesty the Queen. While both feel deeply the position in which they are placed, they both expressed a deep interest in our national welfare. His Majesty the King wished me to convey this to the President of the United States, his thanks for his letter of condolence and his cordial wish for the speedy restoration of peace to our country.

I have the honor to remain your obedient servant,

BRADFORD R. WOOD.
Minister Resident, &c.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wood to Mr. Seward.

[Extract.]

No. 152.]

LEGATION OF THE UNITED STATES,
Copenhagen, March 21, 1864.

SIR:

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Notwithstanding the severe bombardment of the Danish left flank near Dübbel no material damage has been sustained. Count Hamilton (late Swedish minister) returned from Als yesterday, and thinks the Danes will be able to hold their position for some weeks. An attack on the whole line is expected. The Danes are said to have had a decided success in a naval engagement off Swinemünde, (the mouth of the Oder.) A Prussian steamship, two corvettes, and six gunboats, under command of the Prussian admiral, undertook to compel a Danish frigate to raise the blockade, and were so severely handled that they sought shelter under the guns of Swinemünde. Should this war continue and become more general, I submit whether our commerce in the German ocean and in the Baltic would not require the presence of an American man-of-war.

I have the honor to remain your obedient servant,

BRADFORD R. WOOD,
Resident Minister.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wood to Mr. Seward.

No. 154.]

LEGATION OF THE UNITED STATES,

Copenhagen, April 2, 1864.

SIR: The Austro-Prussian armies have been repulsed in their attacks on Dübbel and Frederica. Before the former place the Prussian army must have lost heavily. His Majesty returned yesterday from the army, pronouncing everything as satisfactory as possible. The Danish government, after declining the first invitation to the English conference, have finally accepted it on the basis of the treaty of 1851-'52, *or on some other condition equally favorable*. Prussia will insist on the virtual dismemberment of Denmark; and England, to please her German sovereign, to avoid a war and to preserve her material interest, will consent to it. I am glad to see that this Danish-German question is beginning to be understood in the United States.

I have the honor to remain, your obedient servant,

BRADFORD R. WOOD,

Minister Resident.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Wood to Mr. Seward.

[Extract.]

No. 158.]

LEGATION OF THE UNITED STATES,

Copenhagen, April 20, 1864.

SIR: From the note of Mr. Vedel, assistant minister of state, and on the part of the minister, and from my reply, the Secretary of State will see with what respect the suggestion in relation to the Bremen and Hamburg steamers has been received.

The fight at Dübbel was a severe one; some 1,200 wounded have already arrived. The Danes lost heavily; the Prussians still more so.

I have the honor to remain your obedient servant,

BRADFORD R. WOOD,

Minister Resident.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Wood to Bishop Mourad.

LEGATION OF THE UNITED STATES,

Copenhagen, April 20, 1864.

SIR: In acknowledging the receipt of the note of the 19th instant, on the part of his excellency, from Mr. Vedel, in relation to the Bremen and Hamburg steamers, I can assure his Majesty's government that its willingness to receive a suggestion (not a demand) from the United States will give great satisfaction to that government. The Bremen steamers carrying the United States mails are the Bremen, the New York, the Hansa, and the America.

The Hamburg steamers engaged in like service are the Leutonia, Bavaria, Borussia, Saxonia, Hammonia, and Germania. A Mr. Hansen (No. 5 Lødboderien) is their agent in this city.

The last despatch from my government approves of my course here in relation to his Majesty's government, and the assurances I have given that the United States will be strictly neutral, and not permit the arming, fitting out, or equipping of any armed vessel against Denmark or the commerce of this kingdom.

With assurances of distinguished consideration, I remain your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

His Excellency BISHOP MOURAD,
Minister of Foreign Affairs.

P. S.—I have just learned that the Bremen steamers are sailing under a neutral flag, and that Mr. Hansen is not agent for the Hamburg steamers.

W.

Mr. Wood to Mr. Seward.

No. 160.]

LEGATION OF THE UNITED STATES,

Copenhagen, June 11, 1864.

SIR: Your despatches Nos. 87, of the 6th of April, 88, of the 19th of April, and 89, of the 7th of May, (the latter enclosing the President's letter of condolence,) have been duly received. His Majesty is at present in the country, but I shall avail myself of the earliest opportunity to present the same. You will have learned, perhaps, before this reaches you, of the extension of the armistice to the 25th instant. The Danish minister has not much hope of peace, though his government is willing to accept a division of Schleswig on the line of Heß and Frederickstadt, a surrender of the whole country occupied by Germans. I am more hopeful of peace, as I can hardly conceive that the four powers not interested would have advised this line unless they were prepared to back it up. To leave the matter to a vote, under the auspices of Prussian and Austrian bayonets, would be to forestall it with a vengeance. I see no reason to change the opinion hitherto expressed, that the object of Prussia was the dismemberment of Denmark. The same fate, I fear, awaits every small power in Europe at all liberal. I shall send herewith a map, (if I can procure one,) with the proposed line of division, and beyond which the Danes will not go.

I remain, sir, your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Wood to Mr. Seward.

No. 162.]

LEGATION OF THE UNITED STATES,

Copenhagen, June 25, 1864.

SIR: On the 21st instant I had an audience of his Majesty, to deliver the President's letter of condolence on the occasion of the death of the Landgravine princess royal of Denmark, Louise of Hesse. He received me with his

usual cordiality, thanked the President for his letter, and wished me to convey to him his compliments. He is, of course, much tried. At the time of this interview the Russian government was pressing the union of Schleswig and Holstein, and a mere personal sovereignty. It was rejected. Its acceptance by the King would have led to the resignation of the ministry. Denmark may be crushed and divided up, but she will not be a voluntary party to her own annihilation, and the proposition of Russia discloses the fact that she is acting with Prussia. In my late interview with the King, he said that Denmark could not accept the proposition to divide Schleswig on the line of Flensburg and Tondern and which Prussia has proposed. Of course it is expected that hostilities will be resumed after the 26th instant, to-morrow, and to present appearances England is becoming more warlike. In a conversation with my colleague, the British minister, Sir A. Paget, I incidentally referred to our line of action in this war, as indicated by the President, in sanctioning the assurances I gave the minister Mourad, and communicated in my despatch No. 149, of the 7th of March last. He immediately caught at this, and requested leave to communicate it to his government. You will readily see the bearing of this, to what it may help lead, and the division it may create. Repugnant and unwilling as England is to engage in war, we must not make the mistake of supposing she will not, under certain circumstances, go to war.

I remain, sir, your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

Hon. WILLIAM H. SEWARD,
Secretary of State.

P. S.—I have just received from the minister Mourad, the enclosed, addressed by the King to the Rigsraad on its opening to-day. I shall keep this despatch open to the latest moment I can to-morrow, though I expect nothing favorable to peace.

B. R. W.

JUNE 26, p. m.

I have just parted with the minister Mourad. The conference is adjourned. Of course the war goes on. The papers here have told the King that in these days kings rule for the people. The people are not for kings.

B. R. W.

Mr. Wood to Mr. Seward.

No. 163.]

LEGATION OF THE UNITED STATES,
Copenhagen, June 25, 1864.

SIR: I have the honor herewith to enclose a copy of a letter to Consul Boernstein, and which explains itself. I await your opinion in relation to it. We have the news of the destruction of the Alabama by the Kearsarge, on the 19th instant, off Cherbourg. In accordance with the position assumed by Great Britain (and virtually conceded by the then Secretary) in the case of the Caroline, the Alabama should have been destroyed long since in a British port. The English are great casuists; and, as I see in their interpretation of the word "channel," in the Oregon treaty, would give it a different meaning from what the same word has in connexion with "the Irish," "the English," and any number of other channels.

I remain, sir, your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

Mr. Wood to Mr. Boernstein.

LEGATION OF THE UNITED STATES,
Copenhagen, June 17, 1864.

SIR: I have received your note of the 10th instant, enclosing the letter of C. Gottfried Kohler, of the firm of T. M. de Müller, at Altenburg, Saxony, requesting information in relation to the Sophie, a Bremen ship, "bound from Matamoras to Bremen, with one hundred and fifty bales of cotton on board, sent by a brother of the said Kohler, an alleged citizen of the United States, residing at Houston, Texas, and which ship was said to have been captured by a Danish cruiser on the 19th April last."

In reply, I learn that said ship has been condemned, and all the cargo, excepting two hundred bales of cotton. You do not say in your note which of the brothers owned the cotton. If it belonged to the German American, the invoice, I suppose, would show that fact; and if he has not renounced or forfeited his American citizenship, I should not apprehend any difficulty in the case. He, of course, must show his citizenship, and show his right to the property so captured, to avail himself of the provisions of international law in such cases; and our courts have held that proof of ownership should accompany the goods seized. At all events, there must be unquestionable evidence to whom the property seized belonged.

I remain, sir, your obedient servant,

BRADFORD R. WOOD,
Minister Resident.

HENRY BOUNSTEIN, Esq.,
United States Consul, Bremen.

Mr. Seward to Mr. Wood.

No. 77.]

DEPARTMENT OF STATE,
Washington, February 3, 1864.

SIR: Your despatch, No. 138, dated January 11, has been received. The sentiments expressed by his Majesty on the occasion of your delivering to him your credential letter from the President are such as were anticipated, and are, of course, highly satisfactory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.*

Mr. Seward to Mr. Wood.

No. 78.]

DEPARTMENT OF STATE,
Washington, March 9, 1864.

SIR: You are aware that this government has a contract with the owner of the line of steamers which plies between Bremen and New York for the carriage of the mails between these points. The service is of great importance to this government itself, and to the large interest concerned in trade and intercourse between the United States and Germany. During our late war with Mexico the English line of mail steamers to Vera Cruz was allowed to continue its trips unmolested. Though England was then a neutral, and, therefore, in a very

different position from that of Germany in respect to Denmark, it would be accepted as a gratifying concession if the latter power could consider it not indispensable to her belligerent interests to put a stop to the trips of the steamers referred to, and that those trips may be continued, if not unreservedly, at least with privileges enough to enable them efficiently to discharge their postal obligations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, &c., &c., &c., *Copenhagen.*

Mr. Seward to Mr. Wood.

No. 79.]

DEPARTMENT OF STATE,

Washington, March 14, 1864.

SIR : Since the instruction to you of the 9th instant, the subject to which it relates has again been brought to the attention of the department by a despatch from the consul at Hamburg, accompanied by a copy of a letter to him from the directors of the Hamburg Steamship Company.

With regard to the controversy between Denmark and Germany, it is needless to say that we are neutrals, and that we shall take no part therein. Our relations to one country are not less friendly than those which exist towards the other, and for the sake of both, and of the general interests of society, we regret the war which has broken out between them.

The Bremen and Hamburg steamers are very useful to the United States as carriers of mails and merchandise, more so now than heretofore, owing to the embarrassments of our commerce. It would be agreeable to us if their trips should not be interrupted, and you are instructed to make this known to the Danish government. In doing so, however, you will be careful to let it be understood that we make no demand in the premises, and that all you have been instructed to communicate on the subject is intended to be merely suggestive of what would be considered by the United States as a gratifying evidence of the friendship and good will of Denmark.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.*

Mr. Seward to Mr. Wood.

No. 80.]

DEPARTMENT OF STATE,

Washington, March 14, 1864.

SIR : Your despatch of the 22d ultimo, No. 147, has been received, and I thank you for the interesting information you have communicated touching the war between Denmark and Germany.

The notice which you enclose of the blockade of certain ports on the east coast of the duchies of Schleswig and Holstein has been made public here.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.*

Mr. Seward to Mr. Wood.

No. 83.]

DEPARTMENT OF STATE,
Washington, March 26, 1864.

SIR: Your despatch of March 7, No. 149, has been received. Your proceedings in regard to the Bremen steamers are approved. It is represented that the one of those vessels which arrived last at New York now wears the Russian flag.

The answer you gave to Mr. Mourad's inquiry concerning the neutrality of the United States is approved. This government will practice towards other nations the same justice that it claims, however unsuccessfully in any case for the present, at their hands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.**Mr. Seward to Mr. Wood.*

No. 85.]

DEPARTMENT OF STATE,
Washington, April 2, 1864.

SIR: Herewith I enclose a transcript of a letter addressed to this department by Dr. Durbin, corresponding secretary of the Missionary Society of the Methodist Episcopal church, dated at New York, on the 30th ultimo, in which it is requested that you be instructed to ask the government of Denmark to concede to that church in the Danish kingdom, and particularly in Copenhagen, the same liberty that is granted there to the English, French, German, Catholic, and other foreign churches. This request appears to me to be unobjectionable, and you are, therefore, directed to comply with it by addressing a note to the Danish minister for foreign affairs, asking that privileges similar to those which are accorded to all other Christian denominations in Denmark may be granted to the Methodist Episcopal church.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.**Mr. Seward to Mr. Wood.*

No. 100.]

DEPARTMENT OF STATE,
Washington, November 30, 1864.

SIR: Your despatch of the 24th ultimo, No. 173, was duly received. As you are aware that this government still maintains diplomatic relations with the republican government of Mexico, I regret to learn from your despatch that you had thought it not improper to exchange visits with the envoy of the so-called Imperial government of that country to the courts of St. Petersburg, Stockholm, and Copenhagen, on the occasion of his recent visit to the latter place. The error on your part is quite excusable, because you were without instructions upon the subject. You will be expected, however, hereafter to bear in mind that you can know no government of any state but the one which is recognized by this department, and that only agents of governments which are acknowledged here can be treated by you as representatives of foreign powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.*

Mr. Seward to Mr. Wood.

No. 92.]

DEPARTMENT OF STATE,

Washington, August 27, 1864.

SIR: Your despatches from No. 163 to 166, inclusive, have been received. The information they communicate relative to the questions at issue between Denmark and Germany is very interesting.

Touching the question submitted in the accompaniment to your No. 163, I am not at present able to form a correct opinion, on account of a want of sufficient knowledge of the facts in the case. It would appear, however, that the voyage of the vessel referred to must have been in violation of our own laws, and the owner of the cotton, presupposing him to be an insurgent, is clearly entitled to no reclamation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

BRADFORD R. WOOD, Esq., &c., &c., &c., *Copenhagen.*

SWEDEN AND NORWAY.

Mr. Seward to Mr. Haldeman.

No. 32.]

DEPARTMENT OF STATE,

Washington, October 5, 1863.

SIR: I have received your despatch of the 12th of last month, No. 34, and have carefully read the very interesting information which it communicates relative to the action of the German Bund concerning the Danish question and its probable results.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm.*

Mr. Seward to Mr. Haldeman.

No. 35.]

DEPARTMENT OF STATE,

Washington, January 2, 1864.

SIR: Your despatch of December 3, No. 39, has been received. We observe, not without interest, the progress of the controversy concerning the duchy of Holstein, which is now engaging so deeply the attention of the European cabinets. You will, therefore, accept my sincere thanks for the information you have given me on that subject.

I have laid before the Secretary of the Navy so much of your despatch as relates to the suspected sale of a steamer in Sweden or Denmark. I have also directed the attention of our minister at London to the consul's statement, that the steamer is expected to be prepared in some British harbor, with a view to run the blockade in some of our southern ports.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm.*

Mr. Seward to Mr. Haldeman.

No. 36.]

DEPARTMENT OF STATE,

Washington, February 23, 1864.

SIR: Your despatch of January 25, No. 42, has been received, but its arrival was anticipated by news that war had come in Schleswig. Whether the war will increase or diminish the complications of the German-Danish question cannot be determined, at least with our present information, on this side of the Atlantic.

Accustomed so long to demand non-intervention and forbearance on the part of foreign powers, I shall not surprise you when, by the President's authority, I recommend to you the practice of prudence and reserve in the excited debates by which you must now be surrounded. It ought to be satisfactory to European

statesmen that, intent upon rescuing our own country from appalling dangers, we wish to all other nations the blessings we are seeking to recover for ourselves, namely, harmony, prosperity, and peace.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm*.

Mr. Seward to Mr. Haldeman.

No. 37.]

DEPARTMENT OF STATE,

Washington, March 21, 1864.

SIR: Your despatch No. 43, dated February 23, has been received, and has been read with much interest.

The President is gratified to learn that the feelings of the Scandinavian people are, in your judgment, so friendly to us and to our cause in the present crisis as to render unnecessary the employment of a special detective agent in Sweden, as suggested in the communication of Mr. Tefft, of which a copy accompanied a former instruction addressed to you by the department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm*.

Mr. Seward to Mr. Haldeman.

No. 39.]

DEPARTMENT OF STATE,

Washington, March 31, 1864.

SIR: Your despatch No. 44, of the 8th instant, has been received, and your graphic account of the late popular tumult in Stockholm, occasioned by the stand taken by Count Manderstrom on the question of the war now raging in Denmark, has been read with much interest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm*.

Mr. Seward to Mr. Haldeman.

No. 40.]

DEPARTMENT OF STATE,

Washington, April 19, 1864.

SIR: Your despatch No. 45, dated the 27th ultimo, has been received. The account it gives of the political agitations in northern Europe growing out of the Danish-German war is very full and satisfactory, and has been read with much interest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB S. HALDEMAN, Esq., &c., &c., &c., *Stockholm*.

Mr. Seward to Mr. Campbell.

No. 2.]

DEPARTMENT OF STATE,
Washington, October 5, 1864.

SIR: Mr. Haldeman's despatch No. 56 has been received.

The appointment which it announces of Baron N. de Wetterstedt as envoy extraordinary and minister plenipotentiary to Washington is duly appreciated as a mark of the friendly regard of the King of Sweden towards the United States.

You will please assure Count Manderstrom that the Baron de Wetterstedt will be cordially welcomed in this country as the representative from his Swedish Majesty.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES H. CAMPBELL, Esq., &c., &c., &c., *Stockholm.*

Mr. Seward to Mr. Campbell.

No. 4.]

DEPARTMENT OF STATE,
Washington, October 17, 1864.

SIR: I have received Mr. Haldeman's despatch of the 25th of September, No. 58, in which he informs the department that he has had his audience of leave, and was about to return from the legation. The friendly sentiments which his Majesty was pleased to express on that occasion are appreciated by the President.

It is only just to Mr. Haldeman that I should on this occasion place upon the records of the department an acknowledgment that he has in all things performed the duties of his mission with perfect fidelity, and with so much ability that at no time has any national interest confided to him been lost or in any way impaired.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES H. CAMPBELL, Esq., &c., &c., &c., *Stockholm.*

Mr. Seward to Mr. Campbell.

No. 8.]

DEPARTMENT OF STATE,
Washington, November 19, 1864.

SIR: It is understood here, with sincere regret, that Baron Wetterstedt has been ordered to Mexico on a mission of some character before coming to this country as the diplomatic agent of Sweden. It is proper that you should without delay inform the minister of foreign affairs that the proceeding referred to is, for obvious reasons, far from satisfactory to this government, and that if it should not prevent the Baron's official reception here, it would certainly make him less welcome.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES H. CAMPBELL, Esq., &c., &c., &c., *Stockholm.*

Mr. Haldeman to Mr. Seward.

No. 34.]

LEGATION OF THE UNITED STATES,
Stockholm, September 12, 1863.

SIR: I have perused your circular, No. 39, with great interest and satisfaction; the résumé is calm, able, and dispassionate, convincing to all impartial minds, even to those laboring under erroneous information and prejudice; it must and will have great effect, especially when results are more favorable than when written—August 12, 1863.

The public mind of this kingdom is now occupied by the apprehended action of the German Bund in the "Danish question," a wearisome German crotchet, most difficult to understand or appreciate. Denmark, Sweden, and Norway, under the genuine term of Scandinavia, are not numerically strong when compared with Germany, (about eight millions,) but powerful in the vigor and independence of their inhabitants, and very important by geographical position. The German Bund, it is thought, has gone so far in the Danish question that it cannot, without loss of dignity, retreat, and it is, therefore, greatly feared that a "corps of execution" will be sent into Holstein. It is said that 5,000 men will enter the duchy, and that a federal army of 50,000 men will be prepared to enforce obedience to the behests of the Bund. The Germans are mad on this question, and I firmly believe that nothing would please them better than to go to war "with the oppressors of their brethren in Holstein and Schleswig." The inhabitants of the fatherland are unable to emancipate themselves, but, Quixotte-like, are desirous to give liberty to others. It is more likely their great zeal for the union of Schleswig and Holstein is the dream of a German fleet, and intense passionate desire to get Keil as a German seaport. Denmark stated to the Bund that she will not withdraw the proclamation of the 30th of March; that she is ready to take into consideration the proposals of the German confederation and carry out those resolutions of the federal diet, not incompatible with the sovereign and legislative power of the King; that, having recognized the political autonomy of the duchies, no more can be done by her. The Danish government also stated that it will consider the sending of federal troops into Holstein an act of hostility, and will take the necessary measures for maintaining the integrity of the kingdom of Denmark. It is said that a draft of a treaty of alliance between Denmark and Sweden has already been drawn up, and that Sweden will place a "corps d'armée" at her disposal; independent of a treaty, this nation would not willingly remain passive spectators; in fact, the government could not sustain itself if it assumed a neutral position. Denmark and Sweden could blockade the German coast and ports of the Baltic, including the "Hanse" towns, and suffer but little in return. My own conclusions are, there is not much danger of such a rupture or difference as to lead to war. Germany is powerful for defence, not for aggression; often threatening, seldom strikes; quibbling always, never acting; correct in theory, false in practice; suggesting the attitude of the sculptured warrior, the blow ever impending, but never falls. Nor do I think England, France, or Russia will suffer this question to result in war, if it can be prevented by diplomacy or otherwise, as they very well know a very little spark will sometimes kindle a great European war.

A treaty of amity, comity, and navigation has been made between the kingdoms of Sweden and Norway and the republic of Liberia, in London, by Count Wachtmeister, (Swedish minister to England,) on the part of his government, and Gerard Ralston, on the part of Liberia.

The police arrangements made some time ago I will keep in force until the close of the navigation of the Baltic, on or about the 5th of December.

I remain your obedient servant,

J. S. HALDEMAN.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c., Washington, U. S. A.

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Mr. Haldeman to Mr. Seward.

No. 37.]

UNITED STATES LEGATION,
Stockholm, October 10, 1863.

SIR: The enclosed note has been addressed by Count Manderström, Swedish minister of foreign affairs, to the Swedish ambassadors in London and Paris. The note of Count Manderström fully confirms the intimations given in the King of Denmark's address to the Chambers.

Count Manderström asserts that every *pretext* for "federal execution" has been removed by the repeated declarations of Denmark; that the invasion of any territory of Denmark must be considered a hostile attack, which it is the duty of Denmark to oppose by all means at her disposal. Count Manderström says, "Things have arrived at a point at which *foreign* intervention in the *internal affairs* of Denmark becomes really unendurable; the most extreme measures would be preferable to an unjustifiable submission, in which the Danish people will not acquiesce."

This is the present state of affairs: that both Sweden and Denmark now submit to the cabinets of London and Paris, claiming protection against German aggression. War can only be arrested by a word from Prussia, which will probably be the agent of the violence with which Denmark is threatened. But as Prussia has the stomach to eat with zest indefinite amount of diet, she will eat this (before war) as a change of diet for health by advice.

Count Manderström's note is dated 25th September last.

I have the honor to remain your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c., Washington, U. S. A.

SEPTEMBER 25.

The following note has been addressed by Baron Manderström, Swedish minister for foreign affairs, to Baron N. Adelsvärd, Swedish ambassador in Paris:

"The important political affairs which, during the last few weeks, have agitated the European cabinets, and engaged their whole attention, have caused facts which would not have failed to excite general attention at a less animated time to pass by almost unobserved.

"Among these is one to which we think it our duty to direct the serious consideration of the government of his Majesty the Emperor of the French. It concerns, as may be easily understood, the new phase upon which the Danish question has entered through the resolutions taken by the German federal diet. In consequence of these resolutions Denmark will soon receive a demand—if, indeed, it has not already been made—to withdraw within six weeks' time the patent of the 30th of March, 1863, under threat of a federal execution in Holstein. We do not yet know the resolution which Denmark will take, but it appears to us that it cannot be doubted. Things have arrived at a point at which foreign intervention in the internal affairs of Denmark becomes really unendurable. The most extreme measures would be preferable to an unjustifiable submission, in which the Danish people will not acquiesce. We may, therefore, suppose that the Danish government will reply, that by the patent of the 30th of March, 1863, Denmark had conceded to Holstein all the rights which the federal diet has demanded for that duchy. Denmark, therefore, fulfilled all her duties as a federal member, since by this patent the mutual relations of the different parts of the monarchy are established in such a manner that the legis-

lation and taxation in the other parts of the kingdom become independent of that which will be adopted in Holstein and Lauenberg.

"The Danish government will ever be ready to carry into execution the resolution passed in Frankfort relative to the internal administration of these duchies. Every cause as well as every pretext for a federal execution being, however, removed by this declaration, as also by the patent of the 30th of March, the Danish government can only regard such proceeding as having an object entirely apart from the competency of the German diet, and must therefore consider it a hostile attack, which it is her duty to oppose by all the means at her disposal.

"In case this should be the reply of the Danish government, which, as I have already said, appears most probable, it will not be denied that it is based upon facts.

"The demand of the federal diet for a common constitution for the whole monarchy is untenable, because it is the German diet itself, and the Holstein estates, which have rendered such an arrangement impossible. As regards the duchy of Schleswig, it is a fact that the Danish government, after Schleswig's administrative separation from Holstein, decided to extend the liberties of this province, and that it never took any steps to incorporate it with the kingdom. In any case, this is a question with reference to which the federal diet is entirely incompetent, as regards the claims which, in common with Austria and Prussia, it considers itself entitled to make relative to the negotiations of 1851 and 1852.

"In the meanwhile the diet's ill-concealed desire to mix itself up in this question causes the danger of the situation, which we can only regard as highly critical, and approaching a crisis which would unavoidably endanger the peace of the north, and very likely of the whole of Europe.

"The government of the King has long avoided a return to this question, but, believing itself to be unable any longer to remain silent, it considers it to be its duty to submit the state of affairs for examination to the cabinets of Paris and London.

"It appears to us that it can scarcely be the wish of those cabinets, particularly in the present state of the negotiations relative to Poland, that a war should break out in the north during the present year. Such an event, however, might happen within a few weeks, should Denmark not meet with such support from those cabinets as would protect her against the aggressive measures of Germany. We will not take upon ourselves to propose the means by which such a contingency might be averted. We believe, however, that we have a right to express our opinion upon this question. We have this right, first, on account of the sincere feelings of friendship which bind us to the two governments to whom we address ourselves; and, secondly, because of the serious consequences which might result from a contest from which the force of circumstances could alone prevent us from holding aloof, since our dearest interests would not allow us calmly to see our neighbors oppressed under pretexts which, at a later period, might endanger our own independence.

"I request you to read this despatch to M. Drouyn de l'Huys, and should he desire a copy of it I authorize you to leave one with him.

"MANDERSTRÖM."

Mr. Haldeman to Mr. Seward.

No. 38.]

UNITED STATES LEGATION,

Stockholm, November 3, 1863.

SIR: I have the honor to acknowledge your despatch of the 5th of last month No. 34.

I take the liberty to enclose an abridgment of the great Swedish case (cut from the London Times) relating to "the duties of neutral nations." In 1825, the

Swedish government was occupied in the construction of its navy, and had sold several vessels of war considered unfit for service. Among others in the year 1825 three vessels, one ship-of-the-line and two frigates, were offered for sale at Stockholm; these vessels were purchased by a British mercantile firm in open market. The Spanish minister, M. Alvarado, (instructed by his government,) having cause to believe or discovering that the vessels were intended to augment the naval forces of the revolted Spanish American colonies, protested and remonstrated against their being permitted to depart from Sweden, "since these ships (no doubt without the cognizance of the Swedish government) are destined to re-enforce the rebel armaments of Mexico." He also writes that he is well aware that the British purchasers are far from admitting such a destination, but, on the contrary, have omitted no means to dissemble it, and thereby to deceive the good faith of the cabinet of Stockholm; also, that the sale of such public vessels not being an act of customary trade on the part of a government of a state, Spain protests against it, as an act inconsistent with the neutrality of the Swedish crown.

M. de Curry, in commenting on the above transaction in his treatise entitled "*Phases et Causes Célèbres du Droit Maritime des Nations*," observes that the sale of these ships was originally intended as a simple operation of commerce upon the part of the Swedish government, and as such was perfectly legitimate on its part; but as soon as it was brought clearly to its knowledge that such of the vessels as had been permitted to sail were destined to augment the maritime forces of the insurgent colonists, the Swedish government felt it to be inconsistent with the neutrality of the Swedish crown that it should lend itself to a transaction whereby the state would be rendered subservient to the uses of war of one of the belligerent parties, to the manifest prejudice of the other, and as its good faith had been surprised, cancelled the sale of such of the vessels as were still in Swedish waters.

The purchasers received \$9,000 from the Swedish government for giving up their bargain, and so the affair peaceably concluded.

I remain, your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State.

THE DUTIES OF NEUTRAL NATIONS.

To the Editor of the Times:

SIR: At a moment when public attention is much directed to the question of the sale or equipment of vessels of war on account of belligerent states within the precincts of neutral governments, a short account of a diplomatic correspondence, forming an authentic precedent in some degree bearing upon this subject, will probably be acceptable to your readers. I am not aware that the Swedish case to which I am about to refer has been noticed in the recent discussions of this head of international law. The documents relating to this matter will be found in a recent volume of the *Causes Célèbres du Droit des Gens*, published by Baron C. Martens, (vol. v, Cause iv, p. 229.) For the benefit of those of your readers who may not have access to the work, I will give a short but sufficient abstract of the facts—the correspondence. I may mention that I have omitted a good deal of the merely political part of the discussion, which smacks not a little of the doctrines of the Holy Alliance. Apart from this, however, the legal bearings of the case are well deserving of study and consideration.

For several years the Swedish government had been occupied in the reconstruction of its navy, and had put up for sale several vessels of war, which were considered unfit for service. This traffic had taken place publicly, without objection in any quarter. In the year 1825 three vessels, one ship-of-the-line and two frigates, were offered for sale to the Spanish minister at Stockholm. On his declining to purchase them they were put up for sale in the open market, and were purchased in due form by the firm of Michaelson & Benedicks, who re-sold them to the house of Barclay, Haming, & Richardson, of London. Shortly after the conclusion of this contract, and before the delivery and departure of the vessels, it became generally rumored that they had been, in fact, purchased on account of the revolted states of South America, with whom Spain was then at war. This transaction led to a correspondence of considerable interest and importance between M. d'Alvarado, the representative of the court of Spain at Stockholm, and Count Wetterstedt, the Swedish minister for foreign affairs. The following extracts will give your readers an idea of the leading features of the discussion.

In a note dated July 1, 1825, M. Alvarado, after reciting the sale of the vessels, remonstrates against their being permitted to depart from Sweden, "since these ships (no doubt without the cognizance of the Swedish government) are destined to re-enforce the rebel armaments of Mexico. The undersigned is well aware that the purchasers are far from admitting such a destination, but, on the contrary, have omitted no means proper to dissemble it, and thereby to deceive the good faith of the cabinet of Stockholm; that they have alleged that the vessels are twenty or thirty years old; that their second tier of guns has been withdrawn; and, lastly, they have announced that their object is to traffic with India."

The Spanish minister then proceeds to point out the obvious futility of these pretences. He argues, first, "that the purchase of ships-of-the-line by a private individual is an unheard of thing." Next, "that the vessels in question are wholly dissimilar to those employed in the service of the East India Company." Thirdly, he points out the absurdity of the supposition that the English merchant should have purchased the vessel on his own account. It is a government, he argues, not an individual who is the natural purchaser of ships of war. *It is notorious that the South American republics are greatly in want of ships. And, further, the English firm in question is known to be largely engaged in the rebel loan, and consequently deeply interested in the rebel cause.* "These observations," proceeds the note,

"Prove sufficiently that the English firm can have no other object in acquiring these vessels than to hand them over to the Mexicans; it has the greatest interest in so doing, and will inevitably do so. After such decisive considerations, can it be necessary to recall the public notoriety of the destination of these ships accredited at Stockholm, Carlscrona, Gothenburg, and London, by public rumor, by commercial correspondents, and even by persons on board the vessels themselves, some of whom aver that they are bound to an unknown destination, while others more frankly speak of their voyage to America? To demand a greater certainty than that which is afforded by such grave presumptions and such vehement grounds of suspicion would be to require the public and legal confession of the purchasers, which it is too much their interest to withhold, or at all events that material but too tardy demonstration which will one day be acquired when the vessels covered by a Mexican flag shall have attacked the Spaniards in the Atlantic."

The Spanish minister proceeds to urge upon the consideration of the Swedish court the following consideration:

"What would the King of Sweden think, supposing Norway to be in revolt, if friendly and allied powers were to furnish arms, munitions, and even a fleet to the rebels through the medium of speculators and under the pretence of ignorance of the results? Would the cabinet of Stockholm, when it was apprised of these preparations, wait till the iron and cannon furnished to its enemies had mowed down its soldiers, and the vessels so made over to the rebels had annihilated its commerce and desolated its shores, before it reclaimed against and if possible prevented such transactions?"

The Spanish note concludes by demanding that the contract of sale to the English firm should be rescinded, or at least that the vessels should be detained until further instructions.

Count Wetterstedt, the Swedish minister, replied in a note of the date of July 7, 1825. He first of all argues the good faith of his own government—which, indeed, was not disputed—and shows the complete *bona fides* of the sale. He then proceeds to the following effect :

“A grave accusation is founded upon this sale. The vessels, it is alleged, are destined to re-enforce the maritime armaments of the rebels in Spanish America. Where assertions of this peremptory character are advanced, and a demand for the rescinding of the contract is based upon them, one has a right to expect material proofs of a positive and indisputable character. These the undersigned cannot discover in the reasonings of the Spanish minister founded on the nature of the vessels and the relations of the purchasers with the South American republics. When the public notoriety of the destination of the vessels is relied upon, and letters from persons on board are referred to, it would have been highly desirable that the Spanish minister should have given the details of the information he appears to possess and the correspondence which is alleged to exist, in order that the matter might be kept out of the vicious and deceitful circle of rumor and hearsay. If the Spanish minister can, or thinks he can, demonstrate that the purchasers of these vessels have formed the intention of putting them to a use which may be injurious to Spain, his court should address itself to the British government, which alone can exercise the proper control over its own subjects. But to demand the arrest of a sale upon simple presumption, and under the apprehension of future dangers which might result from it, would be to annihilate the activity and development of all commercial transactions.”

Referring to the supposition made by the Spanish minister of a rebellion in Sweden, Count Wetterstedt adds :

“In such a case the Swedish government would not seek to render foreign governments responsible for any succors which their subjects, without their knowledge, and contrary to their orders, might render to the insurgents.”

The Swedish note ends by declining to comply with the demand of the Spanish minister.

On July 15, 1825, M. Alvarado writes a further note, in which he calls attention to suspicious circumstances with reference to the enlistment of crews of the Swedish navy, and then, recurring to the former argument, protests against “the doctrine of irresponsibility which the cabinet of Stockholm professes with regard to these vessels.” He treats *with disdain the suggestion of a recourse to the British government*, and adds that “this will be no *justification for Sweden*, since she is the *only government in the world which by selling vessels of this description without precautions to foreign speculators is the primary cause of the mischiefs which they may produce.*” Referring to the observation of the Swedish note on the subject of inconveniences of restricting trade upon mere presumption of ulterior consequences, M. Alvarado says :

“Does, then, the Swedish government place in the rank of innocent commerce, and of transactions in which activity ought to be encouraged, the sale of ships-of-the-line to private individuals, who offer none of the guarantees which are given by nations and governments? Are these terrible instruments of destruction and conquest to be handed over to the passions or calculations of the first comer without taking any precautions that they shall not be made to serve the ends of piracy?”

After this some further correspondence passed not material to the present purpose, but on September 9, 1825, M. Alvarado, having received final instructions from his own court, and re-enforced by the representatives of France, Russia, and Prussia, delivered his ultimatum. Referring to the grounds of suspicion already set forth, and the notoriety of the destination of the vessels, he adds :

“However, although this point is unhappily but too clear, the undersigned cannot conceal from himself that to all his remonstrances the Swedish minister has opposed the observation that he could only regard the matter from a commercial point of view, as a sale which the Swedish government was at liberty to make to the best account that it could for the sake of its improvement of its navy.”

Against such a line of argument the Spanish minister strongly remonstrates and asks whether the Swedish government really proposes—

“To furnish indiscriminately vessels-of-war to the first bidder, even to private individuals, without any guarantee; laying down, as it should seem, the proposition that the commercial benefits of these sales are of a higher order of necessity to the state than the loftiest political considerations or the most respectable moral obligations. If so, it would be to resolve on eluding the duties of neutrality towards belligerent powers, and those of friendship and alliance towards a friendly power whose subjects are in revolt. If so, then insurgents and pirates would never want maritime resources, for the supply of these implements of war to all sorts of persons would always offer to the Swedish government sufficient commercial advantages to justify their destination and intermediate speculators who would mask the wrong—commercial advantages which would be all the greater, and speculators who would be all the more generous, just in proportion as the operations for which they were required were the more illicit.”

This final note ends by a renewal of the demand for the rescission of the contract with the English firm, and threatens to consider the departure of the vessels as an act of hostility on the part of the Swedish government.

On the 1st of November, 1825, the rescission of the contract was formally announced in the Swedish *Official Gazette*. The contract purported to be dissolved at the instance of the purchasers, whose consent, however, was obtained by the offer of liberal terms, as they received \$9,000 from the Swedish government for giving up their bargain, and so the affair peaceably concluded.

Now, assuming this precedent to be well founded in principle, let us see what it does and what it does not establish. I need not point out to those of your readers who have paid any attention to this kind of questions the capital distinction between a transaction like that in the Swedish case, in which the government of a neutral country is itself a party to the transaction, and a mere sale of munitions of war by a subject of that government without its privity. The sale of the vessels to the English firm by the Swedish government was an act in itself clearly lawful. A sale by the Swedish government to the South American republics would have been equally clearly unlawful. The importance of this case is in showing upon what sort of evidence the Swedish government was bound to take notice that the sale, though apparently legitimate, was yet, from the circumstances of the case, not permissible. It is only in this way that it can be made applicable to the questions which at present engage public attention. It does not aid us to any degree in determining whether, under the foreign enlistment act or otherwise, the equipment of a vessel-of-war by a subject of the neutral government for a belligerent state is or is not an act which it is the duty of the neutral government to prohibit and prevent, or whether it is one which, like the sale of any other munition of war, the neutral government may permit its subjects to engage in at their own risk. But the question which has been recently raised divides itself into two branches. First, are the sale and equipment of a vessel-of-war for the account of a belligerent, acts which a government ought to prohibit and prevent in its subjects directly? Secondly, if this ought to be prohibited if the sale be direct to the belligerent, can the obligation be evaded and the responsibility declined by the colorable interposition of a third party to whom the prohibition does not personally apply, but who there is good reason to think is acting only as a channel for the accomplishment of the illegal intent? It is to this second head exclusively that the Swedish precedent applies itself. Assuming it to be established that the equipment of a ship-of-war for a belligerent is by the municipal law as much prohibited to the subject of a neutral state as it unquestionably is by international law forbidden to the neutral government itself, then the Swedish case shows that the responsibility of seeing that this prohibition is not eluded cannot be got rid of by the mere device of a sale to a merchant professing to purchase on his own account, but which the circumstances make it morally clear is really on account of the belligerent. The whole question is one of agency. *Qui facit per alium facit*

per se. The question is whether the purchase is *bona fide* what it purports to be, or is it only a device for accomplishing indirectly what would not be permitted directly? Whether we ought or ought not to permit our ship-builders to construct steam rams for the confederate authorities may be a matter of dispute on which there is a good deal to be said on both sides. But this is quite clear, that if the thing cannot and may not be done openly, it ought not to be allowed to be done covertly. If the steam rams cannot be lawfully consigned to President Davis, they cannot lawfully be sold to any person who is, to all intents and purposes, Mr. Davis's agent, whether he call himself a French merchant or take any other shape or designation. This is the common sense and common justice which receives an apt illustration in the Swedish case. The principal value of the precedent is as an example of the sort of evidence which ought to be offered and demanded in order to establish the obligation on the neutral government of taking notice of the existence of such an unlawful agency at work in a contract *prima facie* lawful. In this point of view it is well worthy of attention.

HISTORICUS.

SEPTEMBER 30.

Mr. Haldeman to Mr. Seward.

No. 41.]

LEGATION OF THE UNITED STATES,
Stockholm, December 28, 1863.

SIR: I have the honor to acknowledge receipt of despatch No. 34, of December 1. I enclose notice of the establishment of a new light called Haradskilur.

The all absorbing question here is the federal execution in Holstein. This government is making strenuous efforts to curb the warlike impulse and natural sympathy of the Swedes and Norwegians for their imperilled kingdom in Denmark, beseeching aid. They assume the position that the quarrel now pending between Denmark and Germany concerned the London treaty of 1852, and Sweden cannot separate herself from the other powers who signed that treaty, they having equal responsibility to enforce its observance. Should the execution extend to Schleswig, Danish territory, and not a part or member of the Germanic confederation, this government must and will yield to the demand of the peoples, for their unanimity will be similar to the great uprising of the north, succeeding the first hostile shot at Fort Sumter. As evidence of the public pulse, you read in the non-official papers statements like this: "The King has taken a decided resolution with regard to Schleswig-Holstein, and notes were despatched to the great powers yesterday, informing them of his intentions." Again: "Twenty-two thousand Swedes are coming, the King accompanies them in person"—placing the government in the awkward fix of denying the truth of these statements in the official papers. There is no doubt the King is with the nation, and they well know his intense desire to "flesh his maiden sword." Military zeal, ambition, and ardor are rampant. Great activity prevails in all the Swedish military establishments. These northmen, slow to anger, when once aroused are not easily pacified; their great fear is not of danger, but the cost of war. The north is poor comparatively, and dreads debt.

It was thought at first that England would be more prompt in espousing the cause of Denmark, and no doubt it is owing to the pressure and influence of England in Stockholm and Copenhagen that the position has been assumed that federal execution in Holstein—a part of the Germanic confederation by

order of the Diet—is not of itself a “*casus belli*,” and in accord with this phase or understanding, I have no doubt the Danish troops will fall back, and withdraw from Holstein as the corps of execution enter.

I remain your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, U. S. of A.

Mr. Haldeman to Mr. Seward.

No. 42.]

UNITED STATES LEGATION,

Stockholm, January 25, 1864.

SIR: The American rebellion and Polish insurrection are lost sight of like an old song, almost forgotten, by the superior attraction and deep interest excited by the universal, marvellous, and mysterious agitation of the great German nation. Many are the causes assigned. The question naturally asked is, is all this the result of an outlying German duchy having a personal union with the kingdom of Denmark, whose king is a German prince? No is the reply. It is a question of “German nationality.” The Germans have ventured on this *partial* movement only as a prelude to a general movement or revolution. Germany takes up in 1864 her revolution where it came to an end in 1848. Failing then, anxious once more to renew the contest with her rulers, she is now again setting up the old war-cry of Schleswig-Holstein. The question of the Danish succession—the claims of the newly proclaimed duke—has little to do with the matter at issue. The attack is made upon Denmark, but the blow is aimed at Prussia and Austria. No wonder, therefore, if these powers evince hesitation and mistrust, having so much at stake in the matter, so much to fear from enemies both at home and abroad. It is said that a majority of the Diet, coinciding with the nation or revolutionary element, (though from other motives,) have *ulterior* objects not avowed; hence the glimpse Prussia and Austria *now* have of the “nether fires” of revolution, endangering the stability of their power, if not their very existence, works powerfully for peace.

The second identical note forwarded by Austria and Prussia to the other German powers is strong evidence of the apprehensions they feel, the peril of the crisis to which they have arrived. The “central committee,” national or self-appointed, says the identical note, in the following strong and threatening language,

“Claims the right of acting for Germany, and of directing the movements of the other associations or unions. Free corps, corps of gymnasts, &c., have been formed for revolutionary purposes; in fact Germany has become a hot-bed of revolution. The federal laws of 1854 furnish means for keeping associations like those above mentioned within due bounds. The committee of thirty-six cannot possibly be tolerated, and the representatives of Austria and Prussia at the Bund are instructed to urge the federal governments strictly to uphold their authority, and to take care that peace and order are maintained in Germany.”

In conclusion it is almost unnecessary to speculate at this late date. In a few days acts will speak louder than mere words or idle suppositions; the hostile armies are on either bank of the Eider; an immediate withdrawal or settlement must take place, or the clash of resounding arms will startle Europe, unless the German nation are constituted differently from the rest of mankind.

I remain, with great respect, your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, U. S. of A.

Mr. Haldeman to Mr. Seward.

No. 43.]

UNITED STATES LEGATION,
Stockholm, February 23, 1864.

SIR: The Germans having taken possession of the telegraphic lines through Holstein, Sweden is cut off from all communication with the outer world by lightning. Postal communication is interrupted to such an extent that this government has extemporized a postal line with the German shore of the Baltic, the ordinary channel through Denmark being closed by the army of execution.

Sweden, most anxious to do all in her power, will give no material aid to Denmark without the co-operation or in conjunction with England, knowing that the assistance that they could render would be comparatively small as against united Germany, only tending to raise to the highest pitch of frenzy the spirit of nationality now so rampant in central Europe. It is also well understood that England will not interfere by force, if the war can be localized. Now comes the all-important question, Will Austria and Prussia retire from the duchies, after Denmark has complied with their demand? Will they adhere and observe in spirit the treaty of 1852? Will Schleswig be returned to Denmark subject only to the condition that the union between her and Denmark shall be merely personal? Will Austria and Prussia counteract the revolution which they themselves have created, and remit Schleswig to the position which she occupied with reference to Denmark before the promulgation of the constitution of November last? These are questions which time must answer. For myself I doubt if Austria and Prussia were willing whether they would dare to face the full torrent of popular indignation the act of withdrawing would excite throughout all Germany; and yet, to the dispassionate observer, Austria and Prussia are *par excellence* the opponents of the doctrine of nationality, justifying for years their act or claim of imposing the "rule of the hated foreigner" on subject races upon the faith of treaties, possession, and conquest. Again, the attitude of France has been most encouraging for the expression of intense nationality in Germany—with what object, only they who read the future as an open book can tell.

From the published correspondence (in the American papers) of C. A. L. Lamar, in his letter to John F. M'Cauley, a wealthy citizen of San Francisco, California, formerly of Missouri, who emigrated from Western Virginia some fifteen or twenty years ago, you would suppose that Captain Maffit, accompanied by an engineer, was in Stockholm, or some part of Sweden, in October last. Such was not the case; he met and examined the steamer Carl the X, in Copenhagen, paying to the English purchaser \$115,000 in the bonds of the confederacy, or what is better known as the fifteen-million loan, at twenty-seven cents (27 cents) on the dollar, amounting to over \$400,000 in bonds; also, as collateral security, pledging cotton in the State of Georgia, the property of Lamar, Son & Co.

I have perused with that care and attention due the importance of the subject the communication of B. F. Tefft, ex-consul of the United States of America, to the Hon. F. W. Seward, Assistant Secretary of State, as to the probability "that the rebels will next turn their attention to Sweden for the purpose of supplying themselves with war vessels and other armaments." While I admit the general correctness of Mr. Tefft's statement, I cannot admit his conclusion as to the necessity of the employment of a special detective agent, "who will be able, by careful watching of all suspicious movements, to embarrass, if not to arrest, unfriendly operations in the Swedish ship-yards and foundries." As I do not believe the apprehended danger would justify my supporting his recommendation, I am free to say, I partly think the expenditure already incurred by this legation was almost unnecessary. As I have often informed you,

sir, the Scandinavians are warm friends of our government, our institutions, and the Union; we had their sympathy from the *first*, and have it *now*. They are intensely hostile to slavery in every form and name—under every disguise; and I wish to do no act expressive of unnecessary distrust, unless absolutely required.

I have the honor also to acknowledge the receipt of your despatch No. 35, of December 3, 1864.

I remain, with great respect, your obedient servant,

J. S. HALDEMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Haldeman to Mr. Seward.

No. 44.]

UNITED STATES LEGATION,
Stockholm, March 8, 1864.

SIR: Count Manderström, minister of foreign affairs, has rendered himself obnoxious to the war party and populace of Stockholm by his advocacy of armed neutrality (for the present) in the war now raging in Denmark. On Sunday last, the 6th of March, a large meeting, previously announced, was held by the friends of Denmark in favor of immediate action, at which resolutions were adopted by acclamation: First, that the cause of Denmark was just. Second, that the interests of Denmark and Sweden were identical. Third, that Sweden was anxious and ready to give national aid in men and money to the extent of her ability. Fourth, they called upon the government to take prompt action before it was too late—before Denmark was crushed by the mere force of numbers. In the evening the populace assembled in the square of Gustavus Adolphus, to the number of three or four thousand, to express their approval of the resolutions of the meeting. Afterwards they paraded through the principal streets, cheering in front of the palace and before the residence of the Danish minister; hooting and other evidences of dislike under the windows of the ministers of Prussia and Austria. They then in mass proceeded to the residence of Count Manderström, before which they remained until long after midnight, calling Count M., in ridicule, the “great minister of war,” and other names of opprobrium common to excited multitudes, but doing no act of violence. On Monday, the 7th, it was rumored through the city that a more violent demonstration of dislike would be made against Count Manderström that evening. On Monday morning I had my customary conference with Count Manderström; he informed me he had no apprehensions of danger; that he mingled with the crowd the evening previous, to whom he was well known; no personal violence was offered or insulting language used to him by any one; that a mob in Sweden were good-natured and kept within the law, which apparently was the fact, as I never saw a more polite, well-behaved, orderly assembly than that of Sunday night. On Monday night, about 7 o'clock, the crowd commenced collecting in front of the hotel of Count Manderström, and as they increased in number they became more violent in language, employing terms of reproach the most contemptuous and scurrilous, and then proceeded to acts by smashing in the windows with stones. The military were called out, but before their arrival two fire-engines were ordered to play on the assembled multitude, which created much merriment, and seemed by magic to divert the riotous from the object of their gathering, changing the current of their feelings into a new channel, and before the military arrived, or with their arrival, they quietly dispersed. Neither on Sunday nor Monday was a blow struck; a few arrests were made by the police, but no personal violence on either side. On Tuesday (yesterday)

the city was in great ferment. It was said and feared that the mob, emboldened by previous impunity, would now proceed to acts of great outrage. During the day the mayor of the city issued his proclamation, warning the public that no crowds would be suffered to collect in the squares or streets; that they would be dispersed by force, with infantry and cavalry, also calling on all good citizens to assist in preserving the peace. The precautions taken and measures adopted by the city authorities were most excellent. As fast as the rioters arrived in the square of Gustaf Adolph they were arrested, or permitted, on their promise, to return home, so that at no time were they able to collect to the number of twenty-five. To-day all apprehensions have subsided, so complete was the failure of the demonstration on the part of the riotous last night, and so thorough the victory of the authorities.

His Majesty leaves Stockholm on Friday, March 10, to open a special session of the Norwegian Storting, in Christiania, assembled by his Majesty's proclamation, to take into consideration the present complications in the north of Europe, and provide for the defence of Norway. No Norwegian troops can be marched out of Norway (even for the defence of Sweden) without the previous consent of the Storting, nor can the navy be employed for offensive purposes without the same permission. In other words, so thin is the thread which connects Sweden and Norway (outside of identical interests) that a declaration of war by Sweden against a foreign power does not necessarily commit or involve Norway; a declaration of war must also be made by the King of Norway, with the sanction of the Storting, and *vice versa*.

There are indications that the German powers are somewhat dissatisfied with the results of the invasion of Denmark. Austria is said to be especially discontented. Most strenuous are the efforts made (except by France) to bring the war to a speedy conclusion, for it is most evident should the war be prolonged through the spring and summer it will involve all Europe.

I remain your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, U. S. of A.

Mr. Haldeman to Mr. Seward.

No. 45.]

UNITED STATES LEGATION,
Stockholm, March 27, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch, No. 36, of February 23, 1864, and am most happy to reply that your advice, by the authority of the President, "I recommend to you the practice of prudence and reserve in the excited debates by which you are now surrounded," has been my will of action in the past, and will be implicitly pursued now, confirmed by your instructions in the future. I am a mere "looker on here in Vienna," and report to you, sir, the impressions of passing events, mixing facts with inferences, leaving to your superior judgment and information to draw correct conclusions.

The heart of Sweden and Norway palpitates in sympathetic accord with their brethren of Denmark, resisting with stout courage the force of apparently irresistible numbers. I feel for this brave nation; their past history appeals to the general student, their present to all advocates of republican institutions.

Throughout Sweden and Norway relief societies and aid committees are formed to collect money, clothing, &c., to which all contribute. The sufferings of the Danish army have been and are intense; from my own observation, the powers

of this stout northern race surpass all belief; they are out in all weather—as thoroughly at home in snow and ice as in rain and mud. They are no unworthy descendants of those Cimbrians who astonished the Romans of Marius so many centuries since, by sporting half naked in the snow and making sledges of their shields to slide down the icy slopes of the Alps—a rehearsal of the frolics they were wont to indulge in at their northern home, and a custom, in all its ancient primitive simplicity, retained to this day. Of the excellence of the Danish troops no doubt can be entertained. The rigor of the climate seems to make no impression upon them. The fact is, the Scandinavians are all educated, highly civilized men; they have a self-respect and dignity which stand them instead of the most efficient discipline; and they are treated by their superiors with a familiar friendliness which could only be safely shown to men who know their places. The Danes are anxious for a fair trial of strength with their enemies, and the mere apprehension of a cessation of hostilities is gall and wormwood to them. They think that the advantages of their present position fully counterbalance the fearful numerical odds by which they might so easily have been overwhelmed at the famous Dannewerk, though, I must confess, to me it looks like “hoping against hope.”

The Germans have now the whole of Schleswig in their hands, except the petty island of Alsen and the four square miles of ground adjoining it on the mainland. That the position of Dybbøl and the island are strong and formidable, and that the Germans are aware of its strength is a matter of certainty, for they turned all their endeavors against it in 1849, when it had hardly more than its natural advantages to rely upon, and were driven from it again and again. They appear to dread an assault, and the slaughter and loss it must entail, and seem disposed to resort to the tedium and delay of a regular siege in preference. What European complications may take place from this war, if prolonged—a war, the origin of which is so shrouded in words that no two men can agree as to its cause, purpose, object, demands, or probable conclusion—who can say? England, on two separate occasions, has inflicted much evil and great wrong on the little kingdom of Denmark. Yet England only (with Sweden) has entreated, remonstrated, expostulated, but been seconded by none. No nation in Europe was so faithful and suffered so much for Napoleon the Great as Denmark—the last to desert the fallen fortunes of the empire—but the ties of gratitude for old and disinterested services do not move France. A single word from the Emperor would have prevented the invasion of the duchies. For what reason that word was not spoken events must tell. The Germans are now quarrelling among themselves, and of the two contingencies it seems more probable that the present year will see a revolution in Germany than witness the dismemberment of Denmark.

With the departure of the King and his ministers to Christiania, all demonstrations on the part of the populace have subsided, and quiet is restored once more to this most peaceable capital.

One word more as to the question of Scandinavian union, and the creation of a great northern power, of which much has been said and written. From all I can see, hear, and learn, there is not the most remote probability of such a result. In the three kingdoms the advocates of union are few and destitute of importance. The question of the *capital* would be a “bone of contention” always existing, ever irritating; but more than all, the old union of Calmar, and its fearful consequences, loom up portentously before the vision of every Swede.

By telegram we learn that the Norwegian special session of the Storthing adjourns next Thursday, and that they have made all the appropriations for military and naval purposes recommended by his Majesty. They also express their great sympathy for Denmark, and approve of the conduct of the government in not taking separate action, but doing all in their power, in conjunction with England, to aid Denmark. From this action of the Storthing indorsing the policy of the

present ministry, Sweden and Norway will give no material aid to Denmark except in joint action with other powers, or at least with England. What restrains them now is prudence, and the knowledge that their aid alone would be futile, tending to unite and excite Germany to greater exertion.

I have the honor to be your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, U. S. o A.

Mr. Haldeman to Mr. Seward.

[Extract.]

No. 48.]

UNITED STATES LEGATION,

Stockholm, June 12, 1864.

SIR:

The public mind at the present moment is in a state of expectation, waiting the result of the London conference on the Danish question. There appeared a universal desire in all classes that the proposition of Lord Clarendon should be accepted; that is, that Denmark should yield up the duchies of Holsteme Lauenburg, and the German portion of Schleswig, thus cutting off all its German possessions, relations and duties, as a member of the Germanic confederation, and be only Danish. This wish on the part of the Swedes may spring from the hope that Denmark, thus reduced in size and importance, will soon gravitate and be incorporated into a united Scandinavia, constituting a powerful nation; a consummation longed for by the enthusiastic, the students, and the literary classes of the three kingdoms; but I fear the question of the capital, Stockholm *vs.* Copenhagen, would be troublesome to decide, almost insurmountable, if not, in fact, the rock on which union would split. Again, the spirit of the Danes is yet strong. They are not disposed to accept thankfully, on the recommendation of friends or foes, the dismemberment and disintegration of an ancient monarchy that has successfully braved the storms of a thousand years, remained intact in spite of all political convulsions; and now a kingdom is to be broken up which has stood its ground for centuries, provinces are to be taken from it, which were secured by long prescription—by the faith of repeated treaties. No wonder the Danes say, and think, that the treatment they have received and are now receiving from the hands of the great powers of Europe is the great scandal of our age.

The government of Sweden are now building three monitors after the American model, at their national works at Motalda. They received the plans and drawings (if I am not misinformed) from Captain Ericsson two years ago. They expect to improve greatly on the celebrated original. I have no doubt they will, for they study long and closely, make experiments, elaborate every part before expenditure, and their scientific and practical knowledge of naval affairs need not shrink from comparison with the most advanced nation.

The secretary of naval affairs, Count Platen, has spoken to me several times of the handsome manner in which the officers and crew of the Swedish man-of-war were entertained by the officers and employés of the United States in New York and elsewhere.

I remain, your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, U. S. of A.

Mr. Haldeman to Mr. Seward.

[Extract.]

No. 50.]

UNITED STATES LEGATION,
Stockholm, July 2, 1864.

SIR: * * * * *

The conference has dissolved; the German-Danish war is renewed. This was anticipated for some time, and has taken none by surprise.

The renunciation of the Emperor of Russia of all his rights as head of the house of Holstein Gottorp, in favor of the Grand Duke of Oldenburg, seems to be in favor and in support of the policy of Prussia, that desires to set up a rival for her own *purposes* to the claim of the Duke of Augustenbourg to Schleswig-Holstein; and while the Diet of the Germanic confederation are discussing and deciding in solemn deliberations the merits of the contending claimants, (requiring years, according to German precedents, to decide correctly so grave and weighty a question,) Prussia, in possession of *that* she most covets, will Prussianise, incorporate, and absorb the duchies within herself, make a reality of her brightest dream by the creation of a German fleet, and then hold and retain the duchies by the right of conquest and possession. This seems the most rational explanation of the conduct and renewal of the war on the part of Prussia.

Sweden, though far from an indifferent spectator to the struggle, is well aware that alone she can give no efficient aid to Denmark—that her assistance would do no good; but, on the contrary, excite German nationality to fever-heat. But Sweden has always been ready and prepared to join and assist England at a moment's notice in aught that England may propose to do for Denmark.

A short time will decide if the war will extend beyond its present and former limits. Will the German powers rest content with the three duchies, or will they attack the island of Laland, Funen, and Zeland? If so, will England send a fleet to protect them? This is now the most important question. Its solution will remove much uncertainty and speculation now existing.

I remain, your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, U. S. of A.

Mr. Haldeman to Mr. Seward.

[Extract.]

No. 51.]

UNITED STATES LEGATION,
Stockholm, July 28, 1864.

SIR: I have the honor to acknowledge the receipt of despatches Nos. 42 and 43. Copious extracts of the communication of the Secretary of State upon the subject of an intercontinental telegraph by the way of Behring's strait, in reply to the chairman of the Committee on Commerce of the United States Senate, were made and published in the Stockholm papers, as a subject in which Sweden was greatly interested. One article expressed surprise that the first minister of the United States government, in the midst of a great civil war, had the time and disposition to employ his mind to so critical and exact a statistical and geographical examination of the subject.

I have not received the silver medal which the President has directed to be presented to Captain M. F. Broman, of the Swedish ship *Atlantic*, for his humane services to the shipwrecked crew of the American schooner *Gamaliel*, in April last. When received I will, as instructed, to the best of my ability, convey this testimonial in an appropriate manner.

No one doubts but the suspension of hostilities between Denmark and the German powers must result in peace—that Denmark has no hope but in the generosity of the victors. The fortune of war has rendered submission inevitable, and Denmark must accept the conditions which the German powers may see fit to dictate. It has been suggested that the integrity of the Danish monarchy may yet be preserved by a short and easy road of escape—its absorption into the Germanic confederation; and as a member of the confederation, ranking third in power and importance—in fact, holding the balance of power in the Diet between Austria and Prussia—this union or absorption would be in harmony with the views of a large party in Germany.

On the morning of the 17th of July an attack was made by Prussian troops upon the Norwegian royal mail steamer *Vicken*, sailing from Christiania to Lubeck, while landing passengers as usual at Frederickshaven, in Jutland. Count Manderström informed me, yesterday, he understood the Prussian officer in command pleads a mistake for his excuse—that the *Vicken* was taken for a Danish steamer; but as yet he, Count Manderström, had received no reply from the Prussian government to his demand for explanation.

A much deeper feeling, and far more painful, was excited throughout Norway and Sweden by the order of Prince Frederick Charles of Prussia, that “all foreign officers and volunteers taken prisoners, who were not regularly enrolled in the Danish army, would be tried by court-martial, and, on conviction, *duly shot*.” Count Manderström informed me the order was *suspended*, but *not revoked*; that he had received no reply to his communication on the subject from the Prussian government; that he had no fear that captured Swedes, &c., would be treated otherwise than as prisoners of war; that it was a European question, in which all civilized nations were interested. I was struck with the emphatic declaration, as if he wished me to take note and be witness, that the order of Prince Frederick Charles was infamous. He remarked the same to several of my colleagues. It is understood that Austria protested against this order of her ally; for, as is well known, the Austrian imperial service is sought and has the preference with foreigners of distinction and all military adventurers, having for more than one hundred years a larger number of alien officers in her service than all the armies of Europe combined.

I have the honor to be your obedient servant,

J. S. HALDEMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., Washington, U. S. A.

TURKEY.

Mr. Seward to Mr. Morris.

[Extract.]

No. 61.]

DEPARTMENT OF STATE,
Washington, September 12, 1863.

SIR: Your two despatches, Nos. 61 and 62, both dated August 14, have been received. The new regulations relative to the temporary protégés of foreign consulates in the Turkish empire appear to have been conceived in a liberal and friendly spirit, and will, I do not doubt, prove satisfactory to the powers interested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., &c., *Constantinople.*

Mr. Seward to Mr. Morris.

No. 66.]

DEPARTMENT OF STATE,
Washington, December 31, 1863.

SIR: Your despatch of the 19th ultimo, No. 67, has been received. Its printed accompaniments are interesting, as exhibiting the improved and improving condition of the Turkish empire in financial as well as in other matters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., &c., *Constantinople.*

Mr. Seward to Mr. Morris.

No. 67.]

DEPARTMENT OF STATE,
Washington, January 8, 1864.

SIR: Your despatch of December 4, No. 70, has been received. I learn from it that the imperial government is understood to be preparing the way for a secularization of property held by ecclesiastics in mortmain, with a view to apply its avails to the highest objects of civil administration. This measure seems to become ultimately necessary in every country where ecclesiastical sway has been allowed to become and remain for a long time absolute.

It is to be hoped that the policy may be effected without subjecting the empire to the dangers of intestine war.

It is not wonderful that the Turkish statesmen study with care and anxiety the political movements of the western powers. I suppose I shall be offering

nothing new to you when I express the opinion that the best security that Turkey can take against foreign ambition will be found in the melioration of her own system, and its gradual assimilation to that of other commercial and industrial nations. No power is more desirous or more hopeful of her success in this policy than the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., &c., *Constantinople.*

Mr. Seward to Mr. Morris.

[Extracts.]

No. 68.]

DEPARTMENT OF STATE,
Washington, January 11, 1864.

SIR: I have the honor to acknowledge the receipt of your three despatches, all dated the 4th ultimo, and numbered 68, 69, and 70. The information communicated in the latter, concerning the removal of the Shiek-ul-Islam, is very interesting and instructive.

* * * *

The arrest of Mustook Pacha is a gratifying event, and attests the energy of your exertions to prevent a repetition of such outrages as the late assassinations of the Reverend Mr. Coffing and the Reverend Mr. Merriam. It is hoped that your efforts to secure the arrest of the criminal Kaleel may also be successful.

The pistols intended for the governor of Adrianople have at length been finished, and will be sent to you by the steamer which will carry this instruction, to the care of our consul at Liverpool, who will be directed to transmit them to Constantinople by the safest and quickest means.

The designs for the handles, which are of solid silver, (oxydized,) and those on the barrels, were made by Mr. Ward, a young and promising sculptor of New York, who also superintended the workmanship, which, as you will perceive, is of the very finest description. In presenting them to the ex-Grand Vizier, as a testimonial of the President's appreciation of the interest his highness took in the arrest and punishment of the murderers of Mr. Merriam, you will use the opportunity to enforce the value of such services as those rendered by him on the occasion referred to, and the high estimation in which they must ever be held by the government and people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., &c., *Constantinople.*

Mr. Seward to Mr. Morris.

No. 75.]

DEPARTMENT OF STATE,
Washington, March 28, 1864.

SIR: Your despatch No. 81, of the 3d instant, has been received. Your proceedings relative to the presentation of the pistols to his highness Kibrisili Pasha, as well as your reply to the note addressed to you by the Porte concerning sea postal service on the Turkish coast, are approved.

The energy and liberality displayed by the present Sultan in his administration of the affairs of the empire are perceived with much satisfaction in this country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., &c., *Constantinople.*

Mr. F. W. Seward to Mr. Brown.

No. 3.]

DEPARTMENT OF STATE,

Washington, August 30, 1864.

SIR: Your despatches No. 8, of the 23d, and No. 9, of the 29th ultimo, have been received, and it affords me pleasure to express the department's approval of your course in connexion with the proceedings of the Sublime Porte against a bookstore in Constantinople which had been used by some of the American missionaries there for the sale of religious books. The settlement of this perplexing and painful question has given much satisfaction.

I am, sir, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

JOHN P. BROWN, Esq., &c., &c., &c., *Constantinople.*

Mr. Seward to Mr. Morris.

No. 79.]

DEPARTMENT OF STATE,

Washington, September 19, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch of the 21st of August, which is not numbered.

I learn with pleasure of your safe arrival, and the reassumption of your official duties at Constantinople. As a friend of Turkey, the United States is gratified with the evidence of successful and beneficent administration which the grand council has given in an annual report to the Sultan, which accompanies your despatch.

The President hears with surprise and regret rumors of abuses of the privilege of granting protections committed by persons vicariously exercising consular functions in behalf of this government within his Imperial Majesty's dominions. Recent improvements of administration present some grounds for believing that that privilege might now be relinquished without serious prejudice to the interests of the United States. It is not supposed, however, that in the event of either a radical change of administration, or of the recurrence of religious or other domestic disturbances in the capital or the provinces, the right of granting protections, as heretofore exercised, would be found indispensable to the safety of citizens sojourning in Turkey. In view of these opposing considerations the President has determined that you may announce to the minister of foreign affairs that the power of the ministers and of consuls to grant protection will, until further notice, be restricted so as to allow them to issue only to persons in the actual service of the United States. This restriction will not be claimed to have any bearing upon passports to American citizens granted by this department or other proper authority.

You will immediately give notice to the United States consuls in Turkey of the modification of their powers which has thus been made, and require them to conform themselves to the same.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, &c., &c., &c., *Constantinople.*

Mr. Morris to Mr. Seward.

[Extract.]

No. 58.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, May 21, 1863.

SIR :

Mr. Wipperman has not been in any way molested in his functions by the government of the United Principalities since the incident referred to in a previous note and the correspondence between myself and the Porte on the subject. I suppose that the effort of the government of Prince Couza to obtain an indirect recognition of a simulated independence having failed, the question raised may be considered settled. The state of affairs in the Principalities has not been improved by their union, and the form of government established by the convention of Paris in 1856. Taxation has greatly increased without any compensation in the improvement of the country, and an arbitrary system of government has been introduced by Prince Couza, which has on several occasions nearly provoked a revolution. The Principalities, as well as Greece, instead of being assisted in the way of progress by the great powers to whom the former owes its partial and the latter its complete independence, have been regarded by them only as centres of intrigue for the ultimate dismemberment of the Ottoman empire, and its partition among themselves. For this reason, in Egypt, Greece, and the Principalities, there are Russian, English, Austrian, and French parties, but no party inspired by local, patriotic impulses. Foreign interests are allowed to predominate, and the local welfare is subordinated to the selfish schemes of the great states of Europe.

Within the Ottoman empire the Christian subjects enjoy a liberty of conscience that is not accorded to dissenters from the established faith in some of the most enlightened kingdoms of Europe. They are entirely exempt from military service. They pay but few taxes, and in most respects enjoy higher privileges than the native mussulman population. Many of them fill high posts of honor and profit under the government, while the commerce and trade and most lucrative branches of industry are in their hands. Their exemption from many of the burdens to which the native subjects are liable, conjoined with the special protection they enjoy in their religious belief from European powers, is, indeed, one of the chief causes of the jealousy that exists against them on the part of their fellow-subjects of the Mohammedan faith.

The return of the Sultan from his tour to Egypt was signalized by three nights of almost universal illumination in Stamboul and the Christian quarters of Galato and Pera. The American legation residence, in common with all the other legations, was illuminated, and, on the night of the passage of the Sultan through the streets of Para, the flag of the American Union spread its ample silken folds above him in sign of greeting to one of its true friends in the hour of calamity. On the day of the arrival of the Sultan the whole population of Constantinople and its faubourgs covered the shores and surface of the Bosphorus, and welcomed him back to the capital in the most enthusiastic manner. The unanimity of sentiment that pervaded this welcome, conveying, as it did, an expression of unlimited confidence in the future of his reign by all classes of his subjects, produced such a deep impression on the mind of the Sultan as to evoke from him a special act of recognition in an imperial Hatt.

The Turkish government has recently established a warehouse system. It has granted to a French company a privilege of thirty years' duration to establish warehouses at Constantinople, Smyrna, Soulina, Salonica, Trebisonde, Sam-soun, Rodosto, Enos, and Beyrout, the most important ports of the empire. Goods deposited in these warehouses will not be liable for duties until three months after their entrance into these establishments.

The company is allowed to issue warrants on the deposit of merchandise, which will form an extensive discount paper for the new bank. The credit of three months in payment of duties will be of great benefit to foreign commerce, and particularly to that connected with Constantinople, the import and export tonnage of which last year represented a total of 6,584,610 tons. The government has made a free gift to the company of sufficient land at the above ports for the necessary buildings.

I have the honor to enclose a copy of the official journal containing the charter and statutes of the New National Ottoman Bank.

I have the honor to be, with great respect, your obedient servant,
E. JOY MORRIS.

The revenue of the Turkish government for the last year is \$75,000,000, against \$50,000,000 for 1859. This increase is chiefly owing to the large receipts from customs under the new tariff. The metropolitan customs returns for January, exclusive of the spirit and tobacco duties, show the receipts to have been 4,295,758 piastres, as against 1,327,299 piastres for January, 1862. In February they were 4,385,614 piastres, against 1,664,958 piastres for February, 1862. For March 4,975,477 piastres, against 2,734,093 piastres for February, 1862.

While writing I am informed that the Sultan has determined, within a few days, to recall Fuad Pacha again to the head of affairs as grand vizier. As he is the first statesman of the empire, and one of the most distinguished public men of the age, this appointment gives universal satisfaction. It is a proof that the Sultan is capable of estimating the higher order of talent, and of rising superior to the intrigues of palace cabals and the dictates of mercenary partisans.

Mr. Morris to Mr. Seward.

No. 59.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, July 13, 1863.

SIR: Since my last despatch Fuad Pacha has been appointed grand vizier. He is also invested with the control of his late post—the war department—the practical management of which is intrusted to Halil Pasha. The latter has for several several years been the head of the artillery bureau. He ranks high as a man of military science, having been educated to his profession at Paris. Safvet Pasha, late president of the supreme council of state, becomes minister of commerce, his former post. He is a man of modern ideas, and of European education. Edhem Pasha, late minister of commerce, has been appointed government director of the New Ottoman Bank.

This change of ministry closes the contest between the progressives and retrograde parties. For a time the latter gained the ascendant over the mind of the Sultan, but the counsels of the representatives of the great European powers neutralized their influence, and secured the return to power of liberal and enlightened statesmen. The Sultan has regained public confidence, and the march of affairs tranquilly pursues its course.

Extensive reforms are being introduced into every branch of government, which will lead to a considerable reduction in the annual expenditure. I have heretofore alluded to the abuses growing out of the government of the provinces. These have become so flagrant of late that the Porte has appointed special commissioners to visit every province in the empire, and examine into the character of their administration. These commissioners have been selected from among the purest and ablest statesmen of the empire. Their duty is to visit each district in the province, and to carefully inquire into the complaints of the

people against the authorities. Peculations and corruption of the most extraordinary kind have been already discovered. Extortion, plunder, and robbery have been practiced with impunity for years by the provincial governors, to the disturbance of the tranquillity of their pachalicks, and the detriment of the imperial treasury. The severity with which these investigations are pursued indicates that further mal-administration is not to be tolerated in the provinces during the present reign.

The recent note of Aali Pacha, minister of foreign affairs, on the Suez canal, was rather a peace-offering to the British government than an act of hostility against the work. The Porte will not insist on any of the three points raised in that note. They have been advanced as objections which ought to be obviated, but they will not interfere with the prosecution of the enterprise. It is pushed on as vigorously as ever. It is rumored that the French ambassador has signified to the Porte that the Emperor Napoleon will not permit the completion of the canal to be arrested in any event.

The exhibition of domestic manufactures which has been opened in Stamboul for several months past, in a building constructed for the purpose on the site of the ancient hippodrome, is to close with the present month. It has been visited by the people generally, and has excited much interest among the Turks. One portion of the building has been dedicated to the exhibition of labor-saving machines of foreign invention, the principal of which are for agricultural purposes. Many of these have been purchased by the pashas for their cliftliks or farms, and will, in all probability, mark the beginning of a new agricultural era in Turkey. The Turkish manufactures on exhibition are various. The silk and woollen fabrics are the only ones which display much merit. The silk stuffs of Damascus, interwoven with gold threads, are distinguished for firmness of texture and brilliancy of color, but are more costly than the silks of France. The carpets, though not remarkable for beauty of pattern or color, have a reputation for solidity and durability that renders them superior to any carpets of European manufacture. Their unchangeableness of color is such that no acids can affect them. The best of them wear almost without change in body or color for twenty years. This part of the exhibition is interesting, demonstrating, as it does, the incontestable superiority of Turkey over all other countries in this branch of industry. Altogether the exhibition is creditable to the government, and cannot fail of exercising an important influence for good.

On the frontier near Bagdad the limits between Turkey and Persia have for a long period of time been a subject of dispute. Some years since a survey was made by a joint commission, but the maps have not yet been published. This debatable ground has recently been the scene of a conflict between the Turks and Persians. The governor of Bagdad regarding certain salt-beds on this tract as important to have possession of, ordered a detachment of troops to drive off the Persians in occupancy of them. They met a resistance, which aroused the Turkish soldiers to such a fury that they massacred a large number of men, women, and children. The Persian minister has demanded satisfaction of the Porte. An ill feeling exists between the Persians and the Turks on account of sectarian differences as followers of the prophet, and serious complications may arise from this apparently insignificant incident.

I have the honor to be, with great respect, your obedient servant.

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.



Mr. Morris to Mr. Seward.

No. 60.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, August 10, 1863.

SIR : I have the honor to inform you that I have deemed it my duty to issue the following circular to the United States consuls in this empire. It is based on information from the legation at Turin :

[Circular.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, August 6, 1863.

SIR : Information has been received at this legation that a steamer, recently built in England, and called the *Southerner*, is about to proceed to the Mediterranean, under the command of Captain Page, of the rebel navy, for the purpose of preying on the commerce of the United States.

I have the honor to request that you will advise me by telegraph should said vessel make her appearance in your vicinity ; and that you will also telegraph the same to the commander of the nearest United States vessel of war, or to any consul through whom intelligence may be most promptly communicated to him. The utmost vigilance is expected of you in this respect.

Respectfully, your obedient servant,

E. JOY MORRIS.

A most important reform in the customs administration has just been decided on by the Turkish government. All of the inland custom-houses, except those on the frontier, are to be abolished. The revenue derived from these sources is to be commuted for a uniform octroi duty to be levied upon all the towns and villages in the empire. The old system was very oppressive, as all goods, whether of native or foreign production, entering or leaving the larger towns, paid heavy customs dues. These dues have operated to the special injury of the subjects of the Sultan, as foreigners are exempted by the late treaties from duties on exportation on every article the product of the soil or industry of Turkey. Native subjects were, at the same time, subject to a three per cent. duty on removing goods from towns where custom-houses existed. The reform will also incidentally benefit foreign commerce, by cheapening the price of articles the traffic of which lies almost exclusively in native hands.

The revenue from customs continues to exhibit a remarkable increase. That for the months of March, April, May, and June, 1863, exhibits an excess of 11,946 purses (500 piastres to the purse) over the corresponding period of last year, or an increase of 146 per cent. over the same months in 1861. This is the more striking in view of the fact that the custom-house duties have, according to the new treaties, been reduced one per cent. ; for the present year being seven per cent. The above amount does not also include the duties on tobacco, salt, building timber, &c., &c. The chief credit for this increase is due to Kiana Pasha, director general of customs. Through his energy the smuggling heretofore carried on with impunity in the principal ports of the empire has been to a great degree extirpated, and order and efficiency introduced in every branch of the revenue collection service.

In case of a European war, growing out of the Polish question, the embarrassment of the Porte will be great. It will be difficult, if not impossible, for it to preserve a neutral position. Should it be involved in war, it may find its first enemies on the frontiers of its own territory. The spirit of the governments and populations of Servia, and Moldavia, and Wallachia is extremely hostile to the suzerain power, and their hostility is encouraged by the secret intrigues of leading European powers. They would seize upon a general war

against Russia as a most propitious season for achieving absolute independence and of commencing the final dismemberment of the Turkish empire. If successful, their example would encourage similar attempts in other parts of the Sultan's dominions.

In Servia, notwithstanding the settlement of the troubles of the last year—by the agreement on the part of the Porte to withdraw the mussulman population from Belgrade, and to destroy the two fortresses held by the Turks in the interior of the Principality, and that the mussulmans dwelling around these and the other fortresses should leave the Servian territory—the Servian government refuses to fulfil its part of the convention. It has not paid any part of the indemnity pledged to the Turks whose houses were pillaged during the troubles at Belgrade. The Porte has fulfilled all its stipulations. The Prince of Servia, while limited by a treaty to only such a military force as is necessary for police purposes, is constantly augmenting his army. It has now reached such proportions as to render it a just object of suspicion to the Porte. In vain the great powers are invoked to enforce the provisions of the convention of Paris, to which the Principalities owe their present form of government. While publicly professing extreme concern for the preservation of the integrity of the Ottoman empire, most of them are secretly promoting plots for its destruction.

In view of these eventualities the Porte is steadily increasing both its land and naval forces. Four vessels of war have recently been constructed here, and five iron-clad frigates are in course of construction—one at Constantinople and the others in England. The army was never in such a high state of discipline as at present, and which is maintained by frequent military exercises on a large scale in open camps. The latest improvements in fire-arms have been adopted in lieu of the old weapons.

Apprehensive, in the event of war, of hostilities on the part of Turkey, Russia is massing a considerable force on the Asiatic frontier. The Porte having asked for explanations from the representative of Russia, has as yet received no satisfactory answer. It may possibly be the design of Russia, if an attack should be made on her own territory, to counteract the plans of the allied powers by carrying war and insurrection into the Ottoman empire, and thus create political complications of the gravest nature among the allies themselves.

The recent signal victories of the Union arms at Gettysburg, Vicksburg, and Port Hudson have been received with great satisfaction by the friends of American liberty and union in Turkey. To none have they given more real joy than to the members of the Turkish government, all of whom, the Sultan himself included, have been our steadfast friends throughout the varying phases of the contest. They are looked upon as the sure presages of an early restoration of the American Union.

I have received no despatch, up to the present date, since No. 56.

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Morris to Mr. Seward.

[Extract.]

No. 65.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, October 23, 1863.

SIR: * * * * *

A French translation of Circular No. 39, relative to the progress of our arms in the suppression of the rebellion against the Union, was communicated to his Highness, Aali Pasha, minister of foreign affairs. As on all occasions

when allusion has been made to this subject, his Highness expressed an earnest desire for the triumph of the Union cause, and his satisfaction at the steady progress which had been made towards the achievement of that result from the commencement of the war to the present time. His views are those of all the members of the imperial cabinet, notwithstanding the zealous efforts of my disloyal predecessor to prejudice the government of the Sultan in favor of the rebellion by false statements as to the true origin and nature of the conflict.

As the exhibition of our resources, population, and actual condition is of importance in demonstrating the wealth of the country and power of the government, and in giving proper ideas of our capacity for future development and growth, I recently presented, on my own account, to the Grand Vizier, the minister of foreign affairs, and the minister of commerce, a French edition of Mr. Consul Bigelow's admirable work, entitled "The United States of America in 1863." I know of no work in the French language which presents such a condensed yet satisfactory account of the agricultural and mineral resources of the United States, of our progress in arts and arms, and of our political institutions, and of our power as a nation. The chapter on the conflict between free and slave labor is a brief but instructive summary of the true character of that struggle.

These distinguished functionaries assured me that the gift was to them a very acceptable one, as the subject-matter was to them peculiarly interesting, about which it was difficult to obtain reliable information. I have also distributed copies of the work to several other influential persons, and I am satisfied it will do much good.

* * * * *

I have the honor to be, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Morris to Mr. Seward.

No. 68.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, December 4, 1863.

SIR: I have the honor to inform you that my efforts to bring Mustook Pasha, the Caimacam (lieutenant governor) of Payas, to justice, have at length been crowned with success. Since I first learned that he had given protection to one of the assassins of the Rev. Mr. Coffing, of the name of Kaleel, I have been unremitting in exertions to enforce him to the delivery of the criminal. Failing in this, owing to the impunity with which this functionary has been enabled to defy the Porte and its authority in his mountain-fastnesses, I have from time to time caused vizerial orders to be issued to the governor of Adana to secure the arrest of Kaleel, through representations to the Pasha of the earnest wishes of the Porte on this subject. At one time the Porte, at my request, removed Mustook Pasha from office, but he was restored on the protest of Caleduli Effendi, the commissioner in Syria, who deemed his removal at that time as dangerous to the peace of that part of Syria.

Persisting in his determination not to surrender Kaleel, who is a near relative to his wife, the Porte at last resolved to assert its authority in the most decided manner. On the 2d of November last Mustook Pasha was arrested at Payas, by order of the governor of Adana, with the co-operation of Husni Pasha, who, at the head of a large body of troops, seized him in his own territory, to which he had repaired under pretence of aiding the Caimacam in the apprehension of robbers. All his family except one son were taken, and have been sent to the capital. The arrest of this notorious Pasha, who for the last fifteen years has

been the terror of the people of Alexandretta and its vicinity, from his own ruffianism, and the protection which he has accorded to fugitives from justice, has been a subject of great rejoicing among the mussulman and Christian population. It is hailed as a pledge of the restoration of law and order in one of the most troubled provinces of the empire.

It will be seen from the enclosed translation of a letter from Vice-Consul Levy to our consul at Beyrout, that this arrest is attributed to my exertions, which I allude to only as showing that American influence is recognized in such a remote part of the empire in a way which honors the American name in the estimation of men of all races and creeds.

I need not assure you that I shall not give up the pursuit of the assassin Kaleel and shall continue to have instructions issued by the Porte from time to time to all the civil and military authorities for his apprehension. There will be no security for travellers in Syria so long as criminals like Kaleel are permitted to escape the penalty of their crimes through the connivance of the local governors. In this persevering effort to accomplish justice, I am satisfied I am most properly representing the vigorous and liberal tone of the administration of President Lincoln, which expects from its foreign representatives the strictest performance of duty in the protection of American life.

In this connexion, I beg respectfully to remind the department that the pair of pistols promised in one of your despatches to ex-Grand Vizier Kibrisili Pasha, governor of Adrianople, for the interest he took in the arrest and punishment of the murderers of the Rev. Mr. Merriam, have not yet been received.

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

[Translation.]

ALEXANDRETTA, November 5, 1863.

MY DEAR CONSUL: My telegraphic despatch of the 2d, by way of Aleppo, advised you that Mustook Pasha, two of his sons, (for one has escaped,) and Yusef Bey, his cousin, were arrested at Payas, the 2d ultimo, by order of his excellency Ali Riza, Pasha of Adana, through the instrumentality of Husni Pasha, despatched from Aleppo at the head of 1,800 soldiers. At the invitation of the Pasha of Adana, Mustook Pasha repaired to that place a week ago; but not having been able to pay up his arrears to the Porte, now fifteen years standing, he left Adana alone as he entered it. The pasha not being satisfied with his extremely vague promises, two days after despatched Husni to Payas, and there, by stratagem, Mustook Pasha was made prisoner, with his suite. He is at present at Alexandretta, under a guard of 200 regular soldiers, to remain until the arrival of the Russian steamer of Sunday next, by which he is to be taken to Constantinople under a strong escort.

It is unnecessary to say to you, Monsieur le Consul, *that the country attributes this capture to the influence of our minister at Constantinople*; and that it is generally believed that the mountain will be more sure now that Mustook Pasha is arrested.

I have taken several steps of late in relation to Kaleel. I know that he is near Ali Bekir Oglu. I am on his track, but the capture of Mustook will probably defeat my plans. I do not despair, however, to be able eventually to take him. On this I will speak further in my next.

Yours, &c.,

M. LEVY, Vice-Consul.

J. A. JOHNSON, Esq.,

United States Consul, Beyrout.

Mr. Morris to Mr. Seward.

No. 70.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, December 4, 1863.

SIR: An event of no ordinary importance having recently taken place, I deem it my duty to make special mention of it. Last week the Sheik-ul-Islam, whose authority may be best represented by stating that he combines the powers of the Lord High Chancellor and Archbishop of Canterbury, was removed from office. The reasons assigned for this deposition render the occurrence the more remarkable.

As no law can be put in force until it has received the sanction of this dignitary, it is in his power to control the legislation of the empire. It appears that the late Sheik-ul-Islam was a mussulman of the strictest sect, and that he was a firm opponent of the reformatory measures of the government, which, for the sake of self-preservation, it has found it necessary to adopt. On several occasions he put his negative on important laws, as conflicting with the spirit and letter of the Koran. He was known, also, to be opposed to the schemes of the government with relation to the Vakouf property, having declared that he could never give his assent to the secularization of the ecclesiastical property known under this title.

As the appropriation of the Vakouf property to the uses of the state is of almost absolute necessity in its present condition of the treasury, the Sultan summarily dismissed the supreme judge of law and religion from office, and appointed another, who is expected to interpret the Koran in conformity with the liberal spirit of the age and the necessities of the government. Such an event at one time would have raised the Ulemas and the whole body of the Mohammedan priesthood against the government, and would have led to a revolution. Now it occurs without exciting any visible discontent.

The Vakouf represent property which is either held in the name of the mosques, or belongs to them as absolute property. For the sake of security individuals convey the titles of property to mosques, with the understanding, however, that the possession is to remain in the hands of the original owner, on condition of his paying a certain annual rent. The owner can make such disposition as he pleases of his property, subject to his contract with the mosque. He cannot be touched for his debts—it can be transmitted to his children, and it can be sold to another. The mosque pays to the owner a small sum as purchase money on the completion of the contract. It becomes the real owner only in case of the death of the original proprietor without children. In this way, however, a vast amount of property has fallen into the possession of the mosques, an amount of which no strictly accurate estimate exists, but which is said to surpass five hundred millions of dollars. This vast wealth, which now serves but few useful purposes, the government intends to appropriate to the general uses of the state—to road-making, to internal improvements, to the extinction of the public debt, &c., &c. To accomplish so desirable a purpose, the removal of the late Sheik-ul-Islam was a step of primary importance. We may soon look for an imperial decree in relation to the Vakouf properties, which will have a most important influence on the future fortunes of the empire.

The invitation of the Emperor Napoleon to the Sultan to unite in the proposed congress of European sovereigns, which at first was favorably regarded by the latter, seems recently to have excited his distrust. It is said that this has to be attributed to the fact that within a few days a despatch has been communicated to the Sultan showing that the Emperor intends to bring the question of Syria and the Principalities before the congress. As this may open the whole Turkish question, the Sultan is apprehensive that the integrity of the empire may be assailed in that body, and he has, therefore, become very reluctant to give his unqualified adhesion.

Reliable advices received here represent that the Russian government is actually engaged in putting its Black Sea ports and adjacent localities in the best possible state of defence. Kertsch, on the straits leading to the Sea of Azof, is being converted into a fortress of even greater strength than Sevastopol. A force of 200,000 men is being massed along the frontier, from the Black sea to the Baltic, and the Turkish frontier is covered by such a large Russian force as already to have provoked a call for explanation from the Turkish government. All the signs prove that Russia is preparing for defensive war on a scale of the grandest magnitude. The general opinion here is, that we are on the eve of a great European war. This may be an unfounded apprehension; but the angry tone of intercourse that exists between leading powers on the Polish and Danish questions, and the difficulty of settling those questions peaceably, seem to give countenance to these fears.

The result of the recent elections in the United States has removed all doubts of the determination of the people of the free States to prosecute the war to the successful re-establishment of the Union. The splendid vindication they have given to the wise, humane and energetic action of the President and his cabinet affords one peculiar gratification to notice.

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Morris to Mr. Seward.

No. 77.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, January 15, 1864.

SIR: I have the honor to communicate the following information concerning the present condition of the Turkish navy. The particulars are derived from reliable authority.

In construction: At the Constantinople navy yard, 1 screw ship-of-the-line; 2 screw frigates; 2 paddle-wheel frigates; 1 screw corvette; 2 screw gun-boats or yachts. At other Turkish navy yards, 3 frigates, 2 corvettes, and other smaller vessels. In England, 3 steel-clad frigates are ordered, and 1 in France; but a considerable period of time will elapse before they are finished. Ten gun-boats are also in construction. The Sultan has ordered 10 steamers, of 350 horse-power each, to be constructed out of his private purse in England. These are chiefly intended for the personal service of the court.

Of vessels ready for service, there are 1 ship-of-the-line of 130 cannon; 1 of 90; 5 steam frigates of 90 cannon each, (2 not yet fitted up with machinery;) 2 steam screw vessels of 60 cannon; 2 ditto of 48 cannon, these latter not yet fitted with machinery; 1 sailing frigate of 52 cannon; 4 paddle-wheel frigates of 16 cannon each; 6 screw corvettes of 6 cannon; 30 goelettes and cutters of 190 cannon in all; about 40 transport steamers, of which about one quarter are out of service repairing; 4 sailing transports and yachts; also 10 small steamers on station in Turkish ports.

Besides the sailors, there is a force of 3,000 marines.

There is one naval school, and that at Khalki, of the Prince's islands. No practical instruction is given to the pupils by experimental cruisers. About 200 pupils are in attendance.

The machinery for the navy is all constructed in England or France, and the engineers are generally Englishmen.

None of the more recent improvements in gunnery have been adopted, and but little care is taken to exercise the sailors in nautical manœuvres, and the

fleet cannot, consequently, be considered as in a high state of efficiency. There is not a single rifled cannon on board any vessel in the navy.

With such a small and inefficient navy, as yet altogether composed of wooden vessels, there is reason to fear that in a war with Russia the Turkish naval power would be seriously crippled, if not altogether destroyed. It cannot be safely relied on as one of the trustworthy defences of the empire.

I have the honor to be, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Morris to Mr. Seward.

[Extract.]

No. 78.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, January 28, 1864.

SIR: * * * * *

Among the most useful of the latest reforms projected by the Porte is the creation at Constantinople of a tribunal of arbitration for the equitable settlement of all commercial disputes between the Porte and foreigners, and between Turkish subjects and foreigners resident in the Ottoman empire. This court, which is soon to be called into existence, will consist of three members, an English, French, and German lawyer, each with salaries of \$6,000 per annum, to be paid by the Porte. Such a tribunal, conducted with integrity and impartiality, will facilitate the settlement of many vexatious and important questions, which otherwise would be exposed to the long delays incident to diplomatic negotiation. The Turkish tribunals are all stained with the vice of venality, and their corruption is so notorious that recourse to them is avoided as much as possible. I regret to say that the lust of money, and the corrupting tendencies associated with it, overspread the whole surface of Turkish administration, corrupting every branch of it to such a degree as to stifle both the sense of honor and duty and the instincts of patriotism. The Greek empire, in the last stages of its decline, has had no parallel in corruption which approached it so closely as the Turkish government at the present time. Such wide spread political profligacy is a surer indication of approaching dissolution than any other evidence of weakness in the Turkish empire.

The Turkish government is, at present, in great distress for want of money. The income is not sufficient to meet the annual outlay, and hence the necessity of foreign loans. The troops have not been paid for several months in the capital, and in the provinces the arrears cover a much longer period of time. The civil employes in the capital have also not been paid for the last three months. It has lately attempted, without success, to obtain a loan of two millions of dollars from the New Ottoman Bank. A scheme for a forced loan is now being devised. The amount of the actual debt of the empire is distributed as follows:

Miscellaneous debts, purses.....	806, 127
War and navy debts, purses.....	1, 076, 171
Interior and finance debt, purses.....	487, 674
Other debts, purses.....	609, 032

The purse is equal to 500 piastres, and 23 piastres represent an American dollar.

The hostile attitude of the Danubian Principalities, almost openly menacing war against the Suzerain power of the Porte, and the apprehension of a general

European war, involve the necessity of new expenditures and an increase of debt. The army, which now amounts to 200,000 men, is being increased by calling a large proportion of the reserve force under arms. The Greek frontier is being covered with a line of defensive works, and the coasts of Albania and Epirus, adjacent to the Ionian islands, are also to be provided with formidable military works. The cession of the Ionian islands, always regarded with a hostile eye by the Porte, as seriously menacing the security of the western frontier of the empire, imposes the necessity of great vigilance and efficient measures of defence in that quarter. New fortifications, under the superintendence of distinguished engineers, are in course of construction along the Dardanelles, and every effort is making, in view of a rupture of the existing peace, to defend the approaches to the capital and the Danubian, Adriatic, and Russian frontiers. The crippled state of the finances will render a defensive war of long duration next to impossible on the part of the Porte without the aid of large foreign loans.

I have deemed it my duty to persevere in the effort to secure the arrest of the assassin Kaleel, and for this purpose have requested new instructions from the Porte to the governor of Adana on the subject. The copy of these instructions, which I have the honor to enclose, will show the royal co-operation which I receive from the Porte in the effort to bring this criminal to justice. His late protector, the Caimacam of Payas, Mustook Pasha, has been deposed from office, a fact which will have a most salutary influence in deterring other provincial functionaries from covering the perpetrators of crime with the shield of official authority.

I have the honor to be, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

EXCELLENCY: The American legation represents that though a letter dated the 6th of Sefer, 1279, and another strengthening it of Ramazan 10, 1279, A. H., on the subject of the arrest of the individual named Kaleel, said to be one of the assassins of the American citizen, Mr. Coffing, killed near Escanderoon, were sent to those parts with orders to use every possible means for his seizure and a thorough investigation in evidence of the facts for the purpose of reporting them here, it now states that the said Kaleel has not been arrested, and is fearlessly continuing at liberty, the consequence of the indifference of the executive authorities of the place to the performance of their duty; and also that, in case attention be given to the matter, he may now be readily arrested.

The legation asks that orders be sent your excellency to this effect, strengthening and confirming the preceding ones.

The present order is, therefore, now sent to your excellency to direct that the most complete execution of the preceding ones be effected; and, in case of need, that a communication be opened by your excellency with all the neighboring authorities of those parts, so that every possible means be used to secure the arrest of said Kaleel and the interrogation of other parties, and to report the result here in a Mazbattah.

[SEAL.]

MEHEMED FUAD.

Grand Vizier.

Shahaan 10, 1280. Kreinun i Ervel 8, 1279. (January 20, 1864.)

His Excellency AALI RIZA PACHA,

Valee (Governor General) Province of Adana.

A correct translation.

JOHN P. BROWN.

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Mr. Morris to Mr. Seward.

[Extract.]

No. 79.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, February 11, 1864.

SIR :

I am pleased to know that the pistols manufactured as a present to his Highness Kibrisili Pacha, governor of Adrianople, in recognition of his services in the arrest and punishment of the assassins of Rev. Mr. Merriam, have been already forwarded from the United States. When they arrive, it will give me great pleasure, in delivering them to his Highness, to execute the very judicious instructions contained in your despatch of January 11, 1864.

The Turkish government has been temporarily relieved of its financial embarrassments by the negotiation of a loan with the Imperial Bank to the amount of \$2,500,000, giving as security the balance still remaining unpaid of the last European loan, the government to reimburse the principal in four years at 120,000 Turkish liras per annum. This sum is hardly sufficient to cover the arrears to the civil employés and to the army and navy. In case of war the government would be seriously embarrassed for want of funds, as the greater part of the several loans contracted are consumed in meeting current and past liabilities.

The spirit of the Danubian Principalities is exceedingly hostile to the Porte, and advantage will be taken of the first favorable moment to assert complete independence of the Porte. It is generally understood that a treaty offensive and defensive in regard to the Porte exists between Servia and Moldavia and Wallachia. The united military force of these two Principalities is estimated at 75,000 men, well equipped and armed.

I have the honor to be, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Morris to Mr. Seward.

[Extract.]

No. 81.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, March 3, 1864.

SIR :

I received by the steamer Venitian of last week the case of revolvers intended by the President of the United States as a present to his Highness Kibrisili Pacha, governor of Adrianople, in acknowledgment of his services in securing the punishment of the assassins of Rev. Mr. Merriam.

This most elegant gift, admirable alike for beauty of ornament and artistical finish, will be a source of great gratification to his Highness. They have this day been forwarded to him through Mr. Blunt, the English consul at Adrianople. I have requested him to present them in person to the Pacha, with an accompanying letter from me, as he was so honorably and intimately associated with him in his efforts to secure the ends of justice in this case.

The Porte has recently addressed to the different legations a note, in which it announces its intention to take under its exclusive charge the maritime postal

service on the coasts of the empire, as it has done with the postal service of the interior. At present the coast mails are carried by French, Russian, Austrian, and Greek steamers, and distributed through their respective post offices. The land service is as well performed as it can be, where the roads are as insecure as they are in this country. I have replied to the above note in approbatory terms. A copy of my reply is enclosed.

Mustook Pacha, the protector of the assassin Kuleel, whom I caused to be removed from the Caimacamship of the district of Payas, where he has been the terror of the surrounding country for the last fifteen years, has been degraded from office. Beyazia Oglon Akmet Pacha, a man of entirely a different type of character, has been appointed his successor. Since the arrest of Mustook Pacha, his son, Dede Bey, has been engaged in acts of brigandage on the road between Alexandretta (Iskenderoon) and Adana, to such an extent that it has been found necessary to send a force of six hundred men against him. With his apprehension it is to be hoped that security may again be restored to that part of the country.

The insecurity of the roads has again received a striking illustration in the robbery of the Turkish land post, eight hours distant only from the capital, on the route to Adrianople. Several of the guards were killed by volleys from an ambushed band of Greeks, who had landed in boats on the adjacent coast, and 3,000,000 of piastres were carried off. This occurred on Saturday last.

The government military school has recently been reorganized on a new basis, and transferred to a large edifice on the heights of Pera. This school is designed to prepare officers for the *etat major* and for the land forces. The course of study is five years for the former and four for the latter. The programme of studies embraces calligraphy, drawing, arithmetic, algebra, geometry, geography, chemistry, physics, mechanics, topography, the military sciences, engineering, fortifications, &c., history, the Persian, Arabic, and French languages, composition and syntax. There is also a preparatory school, in which instruction is given in arithmetic, algebra, geometry, geography, Persian and Arabic. At the last examination a few weeks since, which was held in presence of the Sultan, sixty pupils graduated with the rank of officers.

Among the notable features of the day of examination was the admission of thirty-five Christian students, taken from the Armenian, Catholic, Greek, and Bulgarian communities. On receiving these young pupils, the Sultan addressed them in the following terms :

"It has been my constant desire to establish a perfect equality among all classes of my subjects. I am happy on every occasion that presents itself to give practical effect to this principle, the application of which, according to the wants and capacities of the different populations of the empire, is destined to complete the scheme of its regeneration."

On the part of the Christian pupils the following address was presented to the Sultan by one of their number :

"The Christian communities, subjects of the empire, in receiving to-day this new proof of the jealous solicitude of your Imperial Majesty, cannot refrain from expressing their gratitude for the same. In placing ourselves from this moment under the powerful protection of your Majesty, we promise to devote ourselves assiduously to our studies, so as to render ourselves worthy to serve under the banners of such an illustrious prince. May a gracious Providence bless the reign of your Majesty, and preserve your life for many years for the benefit of your subjects."

I deem it my duty to take note of such movements as the above, indicative as they are of the growing spirit of tolerance of the Turkish government to its Christian subjects, and of its efforts to give them, with the mussulman population, a common interest in the preservation of the empire. The Sultan takes a lively interest in everything relating to the army and navy, and may almost

daily be seen visiting the cannon foundry and military workshops of Tophane, the navy yard and the barracks, and in witnessing the military drills and manœuvres on the fields of exercise around the capital.

I have the honor to be, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, February 20, 1864.

HIGHNESS: I have had the honor to receive the note you were pleased to write me on the 4th instant, on the subject of the measures adopted by the Ottoman government for the organization of maritime posts, and thus to effect the conveyance of letters on the coast in the same manner as has already been done, with so many advantages, in the interior of the empire.

These measures cannot be otherwise than productive of very great benefits, both to the Ottoman and foreign populations, and to the commercial interests of all classes. The numerous foreign posts existing in the empire, each under different directors, are the source of inconveniences which prevent the free exchange of communications by sea, and the amount of postage, often uncertain and excessive, creates irregularities which call for a thorough reform. Their adoption also shows that the Ottoman government, as an enlightened and progressive nation, is determined to exercise its own evident rights; and that of the United States will observe with pleasure that his Imperial Majesty is not indifferent to the exercise by others of functions which belong to his state only, and should be for its own account, as well as under its own immediate control.

I avail myself of the present opportunity to renew to your highness assurances of my perfect consideration.

E. JOY MORRIS.

His Highness AALI PACHA,
Minister of Foreign Affairs.

Mr. Morris to Mr. Seward.

No. 84.] LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, April 14, 1864.

SIR: I have the honor to acknowledge the receipt of despatches Nos. 73 and 74, and to enclose two communications from his Highness Mehemed Kibrisili Pacha, in relation to the gift with which he has been honored by the President of the United States. Should his highness be again called to the grand vizierat, I am sure that this gift will be found to have made a lasting impression on his mind, and will confirm him in the friendly feeling which he has ever manifested towards the United States. He is one of the first statesmen in the empire, and enjoys the entire confidence of the reigning Sultan.

The zealous care which the President has taken to manifest his approbation of the services of the Turkish authorities most conspicuous in bringing to justice the assassins of the late Messrs. Merriam and Cossing will have a happy effect in inspiring others to an emulation of their example whenever American life or property may have been put in jeopardy. This act of liberality shows with what keen watchfulness the present administration regards the conduct of

the authorities of distant lands whenever the security of American life is in question. It throws new guards around American life in this semi-barbarous country, and does it honor in the estimation of all who judge of the character of government by the vigor, zeal, and energy it displays in the protection of its citizens in foreign lands.

I have the honor to be, with great respect, your obedient servant,
E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

ADRIANOPLE, *April 9, 1864.*

MY DEAR SIR: I returned here on the 5th, and on the 7th I had the honor to present to Kibrisili Pacha the pistols forwarded by your government.

The Pacha appeared very pleased. He will answer your letter through me, and I will write the report to you, officially, on the subject.

I feel highly flattered that you forwarded the pistols through me.

I remain, my dear sir, yours, very respectfully,

W. BLOUNT.

Hon. E. JOY MORRIS, &c., &c., &c.

P. S.—Yesterday, the 8th, I heard that *Dervish Cavens* was liberated during my absence. I will, of course, make inquiries and let you know. I have been told that he is very ill, half blind and lame, the effect of his imprisonment.
W. B.

Mr. Morris to Mr. Seward.

No. 87.]

LEGATION OF THE UNITED STATES OF AMERICA,

Constantinople, April 21, 1864.

SIR: The struggle for the preservation of independence in Circassia has at length ceased. The last tribe which held out was obliged to succumb to famine, having, for the last seven months, lived on boiled poplar leaves. The country is now overrun in all directions by the Russians, and Circassia has ceased to exist, except as a province of the Russian empire.

Almost the entire population of Circassia is emigrating to Turkey. With that hospitality which has always distinguished the Turkish government, the most generous provision has been made for the reception of this brave but unfortunate people. Three ports have been designated at which they are to be landed, and twelve of the largest government steamers are to be despatched to the Circassian coasts to receive the emigrants as they are ready for embarkation. They will be fed and clothed at the expense of the Turkish government. This will occasion a large expenditure, but it is cheerfully borne, as hospitality is a religious virtue among mussulmen, enjoined by the Koran, and scrupulously practiced in all ages.

During the last two years there has been a steady tide of emigration to Turkey from Circassia, and from among the Tartars of the Crimea. At least 60,000 Circassians and Crimean Tartars have emigrated to Turkey since the war in the Crimea. As they came into the empire in a destitute state, the Porte is obliged to maintain them until they are able to provide for themselves. This it has not only done, but it has also established a commission charged with the

duty of locating them on government land, which is bestowed upon them as a free gift under certain conditions. They are provided with agricultural instruments and instructed in the proper cultivation of the land; they have for the most part, thus far, been located in that great alluvial plain, called the Dobrud-scha, and which lies between the lower Danube and the Black Sea, and where the population is very scant. The Circassians gradually adapt themselves to fixed habits of life and become good farmers. As they appear in the streets of Constantinople, their tall, lithe, straight forms, fresh complexions, almost untinged by the sun, and their mobile and expressive features, never fail to arrest the attention of the stranger. Their physiognomy is altogether European, and it would not be possible in European capitals to detect them as Circassians, so close is their resemblance to the Anglo-Saxon and Latin races, and rather to the former than the latter. Their religion is Mohammedan. The conquest of Circassia is an important political event. It gives Russia the possession of the whole line of the Black Sea coast from the Crimea to the Turkish frontier, of all the country lying between the Caspian and Black seas, and will facilitate the progress of her conquering march across Persia to India.

The above facts, so honorable to the Turkish government, I have deemed worthy of special mention. They are a part of the history of the times, and as such I have not thought it proper to allow them to pass by without comment.

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Brown to Mr. Seward.

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, June 16, 1864.

SIR: I have the honor to enclose to the department translation of a communication received from the Sublime Porte, making known to foreign governments a new flag which has been adopted for Ottoman merchant vessels in place of the old one, hereafter to be used by ships-of-war only.

With much respect, your obedient servant,

JOHN P. BROWN.

Hon. WILLIAM H. SEWARD,
Secretary of State, United States of America.

[Translation.]

SUBLIME PORTE, DEPARTMENT OF FOREIGN AFFAIRS,
June 9, 1864.

SIR: I have the honor to inform you that according to the decision adopted by the imperial marine department, and sanctioned by his Majesty the Sultan, all of the vessels of the merchant national marine, as well as the steamers of the privileged Ottoman companies, will hereafter hoist a red flag with a half moon in the centre and a border of green around it, the red flag with a white crescent being exclusively reserved for ships-of-war of the government. For more exactness I send you here enclosed a model of this new flag.

Begging you, sir, to be so good as to make the preceding known wherever it may be necessary, I embrace this opportunity to offer you assurances of my perfect consideration.

AALI

Mr. Morris to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, August 21, 1864.

SIR: * * * *

I have the honor to enclose, from the official paper of the government, the annual report of the Grand Vizier to the Sultan on the action of various departments of the Turkish government during the last year. It exhibits a gratifying picture of progress, and of skilful administration of the finances. The expenditures have been reduced below the estimates; roads have been opened at various points in the interior of the empire; improvements have been made in the system of public instruction; and important reforms have been adopted in the government of the provinces, and in the administration of justice. Mention is made of that most extraordinary event, the emigration of the Circassians. From this report it appears that within the last nine years about 600,000 of these unfortunate people have fled for refuge to Turkey, where they have met with a hospitable reception from the government of the Sultan. Of this number, 283,000 have emigrated to Turkey since the final subjugation of their country by the Russians during the present year.

I have the honor to be, with great respect, your obedient servant,
E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Morris to Mr. Seward.

No. 99.]

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, November 29, 1864.

SIR: * * * *

In order to obviate the abuses of government in the provinces, the Porte is about dividing Asiatic Turkey into three great provinces, of the first of which, embracing the present provinces of Damascus, Saida, and Jerusalem, Damascus will be the capital. Of the second, embracing the present provinces of Aleppo, Erzas, Adana and Marash, Aleppo will be the capital. The third government will include the pachalicks of Kurdistan and Erzeroum, with the city of Erzeroum as capital.

The evils of decentralization will by this system be lessened, and a closer responsibility to the central government be created. A large increase of power over that enjoyed by the present provincial governors will be granted to their successors under the new system, that they may be able to reflect the policy and views of the Porte with greater vigor; but they will be held to a more strict responsibility for their acts and the condition of their respective governments. It is expected that this administrative reconstruction, and the changes and reforms connected with it, will have a tendency to improve the government of Asiatic Turkey, a part of the empire which has suffered more than any other from the corruption and malpractices of its rulers, and whose evil administration has been such a fruitful source of crime and disorder.

Another very important reform is also about to take place. The judges, who have heretofore been appointed for a year, are to hold their offices during good behavior. At present the judges are paid exclusively out of the expenses of the

suits instituted before them, and from this source they compensate their employes. In all cases it is the plaintiff who pays the judicial expenses of the suit. As these judges are supported by fees alone, it is, of course, their interest to increase the amount of the same as much as possible. Such a system of itself explains the origin of the extortion and corruption incident to all Turkish tribunals. Hereafter the judges are to be paid out of the state funds, which will certainly cheapen justice and remove the temptations to existing corrupt practices.

The flattering prospects recently held out with reference to the finances of the empire cannot be realized. A deficiency of more than 120,000,000 piastres has been discovered, of which the enemies of the present grand vizier are taking advantage to drive him from office. It is proposed, however, to equalize the receipts and expenditures in the published budget by certain economies in the different bureaus of administration. The government has been obliged to negotiate a new loan of 2,200,000 Turkish liras at eight per cent. per annum. A part of this loan is to be disposed of by the holders of it through a lottery, a system greatly in vogue in Europe and Germany, especially for raising money for state purposes.

With great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

SWITZERLAND.

Mr. Seward to Mr. Fogg.

No. 52.]

DEPARTMENT OF STATE,
Washington, May 31, 1864.

SIR: Your two late despatches, No. 58, of the 16th ultimo, and No. 59, of the 29th ultimo, have been received, and the President instructs me to express his satisfaction at the assurance given you by the Swiss government of their readiness to so far modify their present treaty stipulations with the United States as to concede and guaranty general and equal rights and protection to all citizens of the United States, without distinction of religious creed, travelling, sojourning, or doing business in Switzerland. The additional article, however, which has been proposed by Mr. Dubs, the president of the confederation, stipulating that "the United States will accord to Swiss citizens sojourning in those countries of America where Switzerland may have no representative the same protection upon demand, by the consuls of the United States, as is accorded to their own citizens," is not deemed admissible. You may state to Mr. Dubs that the United States will cheerfully lend their good offices towards securing protection for Swiss citizens under the circumstances referred to, but that the assumption of such an obligation as he proposes would be a departure from the line of proceeding hitherto pursued by this government in its conventional arrangements with foreign powers which it would not feel justified in making.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., &c., &c., &c., *Berne.*

Mr. Seward to Mr. Fogg.

No. 53.]

DEPARTMENT OF STATE,
Washington, July 13, 1864.

SIR: The consul general of Switzerland in this city Mr. John Hitz, has transmitted to this department, by request of the federal chancellor of his government, a communication inviting the United States to participate in the proceedings of a congress which is to assemble at Geneva, on the 8th of next month, for the purpose of taking into consideration the means for the better care of wounded men in time of war. Mr. Hitz has been informed that the answer to this invitation would be communicated to you. The object of the proposed congress is certainly laudable and important, and the department sees no objection to your being present on the occasion. You are therefore authorized to attend the meeting in an informal manner, for the purpose of giving or receiving such suggestions as you may think likely to promote the humane ends which have prompted it.

It is hardly necessary to add that your presence at the congress would be improper if any of the insurgent emissaries of the United States in Europe should be permitted to take part in its proceedings.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

GEORGE G. FOGG, Esq., &c., &c., &c., *Berne.*

Mr. Seward to Mr. Fogg.

No. 54.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: Your despatch of July 13, No. 64, has been received, and has been considered with all the attention due to the subject of which it treats, and with that profound respect and good will which the United States habitually entertain for the republic of Switzerland.

I have no hesitation in approving and confirming all that you have written to the federal council upon the case of John Zweifel. That person emigrated to this country and became naturalized here. As a citizen of the United States he had free choice to remain here and enjoy the full benefits of his change of allegiance, or to return to Switzerland, escaping such responsibilities, and foregoing such present benefits of American citizenship as are dependent on domicile in the United States. By the constitution and laws of Switzerland and by treaty he was entitled to visit and indefinitely remain in that country. The United States by force of any law or treaty cannot impose upon him in Switzerland the performance of any of the duties of a citizen, nor even require that he shall be obliged to leave that country and return to the United States. No law of nations, no treaty, no law of the United States, nor even any municipal law of any State or city, entitles a citizen, whether native or naturalized, who voluntarily abandons this country and seeks asylum in a foreign land, to be supported there or to be recalled here to receive support or even protection from this government. No law of nations, no treaty, no law of the United States, no municipal law of any State or city makes any provision either for supporting such paupers in voluntary exile or for bringing them here as objects of public charity. No law or treaty of any kind binds the United States to Switzerland or to any other country, to relieve it from the care of the poor of whatever class, who by treaties or emigration has fallen under its care. Nor is the principle which is deduced from these premises a harsh, or ungenerous, or inhuman one. The United States receive a thousand emigrants from every European country in exchange for each individual American citizen who seeks a foreign domicile. Among such emigrants who are annually reckoned now even by hundreds of thousands many come who either flee from poverty or disease at home, or are overtaken by such affliction on their way hither and succumb to them after arriving here. All such are at once placed upon the broad foundations of our public charities, and the question is not even asked whence they came, nor even the question whether they have become naturalized, or in any way domiciled in the United States.

The United States will in good faith fulfil their treaty with Switzerland. All of their citizens who shall be sent hither by the government of that republic in conformity with the treaty will be cheerfully received at all times and under all circumstances, they, their wives and their children. But this government must decline to go further and become almoners in foreign countries, or bring back at the public expense recreant or inconstant citizens who fall into misfortune abroad.

I am sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., &c., &c., &c., *Berne.**Mr. Seward to Mr. Fogg.*

No. 55.]

DEPARTMENT OF STATE,
Washington, July 28, 1864.

SIR: Your despatch of the 2d of July, No. 62, has been received. The explanations which you gave to the President of our reasons for declining to make a

formal stipulation that our consuls in American States should extend their functions so as to afford protection to citizens of Switzerland were so judicious, that I should not have been dissatisfied if you had placed the responsibility for them on this department. We shall in no proper case decline to give special authority to a consul, or even a diplomatic agent, to render any service to the government of Switzerland that shall be compatible with our obligations to foreign States, under the law of nations. It would, however, be quite a different thing to enter just now into a formal arrangement pledging ourselves to the general exercise of such a comity. Nations not friendly to the United States, although at peace with them, might seize such a circumstance and turn it into a precedent for similar assumptions, which we might find it necessary to disallow. It must be remembered that the European maritime powers appear to have lifted up the insurgents of our country to the condition of lawful belligerents. Most of the lesser states range themselves with these maritime powers in this new and injurious attitude towards the United States. Under these circumstances, many consuls whose functions, legitimately exercised, would tend to the promotion of legitimate foreign commerce, are now practically employed as agents in furthering illegitimate and contraband trade with our domestic enemies. It would be very unwise on our part to do anything which might even indirectly result in increasing these embarrassments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., &c., &c., &c.

Mr. Seward to Mr. Fogg.

No. 57.]

DEPARTMENT OF STATE,
Washington, August 15, 1864.

SIR: Upon the receipt of your despatch No. 63, of the 9th ultimo, relative to the proposed exchange of arms between Switzerland and the United States, a letter upon the subject was addressed to the Secretary of War, to which a reply has just been received, of which I herewith enclose a transcript. You will learn from this that the arms and accoutrements for the Swiss government are now nearly ready for transportation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE G. FOGG, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Fogg.

No. 59.]

DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: Your despatch No. 67, under date of August 26, has been received, and your proceedings in the case of Jean Zweifel are approved.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

GEORGE G. FOGG, Esq., &c., &c., &c., *Berne.*

Mr. F. W. Seward to Mr. Fogg.

No. 60.]

DEPARTMENT OF STATE,
Washington, September 24, 1864.

SIR: Your despatch of August 29, No. 68, has been received.

Your proceedings in regard to the treaty between France and Switzerland on the Israelitish question seem to me to be judicious, without waiving or compromising any principle, and are therefore approved.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

GEORGE G. FOGG, Esq., &c., &c., &c., *Berne.*

Mr. Fogg to Mr. Seward.

No. 50.]

UNITED STATES LEGATION,
Berne, October 2, 1863.

SIR: Your despatch No. 44, marked "confidential," of the date of September 14, and enclosing a copy of a despatch dated September 11, to Mr. Motley, United States minister at Vienna, is received.

Having carefully read your despatch to Mr. Motley, permit me to say that the suggestions therein contained, and which seem to be intended as directions for all the United States diplomatic agents abroad, commend themselves to my judgment as eminently timely and wise. I cannot doubt that our government looks with intense interest upon the proceedings of the French government in Mexico. There can, for a long time, have been no doubt, in the minds of intelligent observers of the events there transpiring, that the Emperor of France is *now*, at least, if not at the commencement of his invasion, bent on supplanting a republican form of government by an imperial one, and that without *really* consulting the Mexican people.

That these proceedings will, at some not very distant day, demand and receive the attention of the people and government of the United States, I firmly believe. That no recognition of, or consent to, those proceedings will ever be extorted from our indifference or weakness I as firmly hope. Having, as that expedition against Mexico did have, its origin in a scheme against the peace and integrity of the United States, it is due, not less imperatively to a sister and neighbor republic than to the dignity and character of our own government, that the invaders receive no aid or countenance at our hands. Begun in conspiracy, and prosecuted under false pretenses, I trust to see no concessions or recognitions on the part of our authorities interposing to save this Mexican enterprise from the disaster and disgrace it so richly merits.

But it is not necessary that we do more at present than maintain a "masterly inactivity" in view of events transpiring in Mexico. It may not be advisable that we *protest* even, except by our silence. Our nation has work of its own which cannot wait. Its *present* duty is to save itself. Its *future* may be to save its neighbor, and vindicate the supremacy of republican institutions upon the American continent. I trust in Heaven it will. But for that future we can afford to wait, while we cannot now afford to throw down the gauntlet to any new foe.

With the highest respect and esteem, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 52.]

UNITED STATES LEGATION,
Berne, November 7, 1863.

SIR: I have the honor to inform you that the biennial elections for the renewal of the national councils have just been held in all the cantons throughout the Swiss confederation. I have the pleasure to add, also, that they have taken place without any undue excitement, and in a manner everywhere highly creditable to the whole people of Switzerland and to the liberal republican institutions under which they live.

This election derives its national importance from the fact that upon the body just elected, in addition to being the popular law-making branch of its government, devolves the duty of designating the executive of the confederation, the members of the federal council for the ensuing three years, commencing with the first of January next.

In a very few districts the people failed to make a choice and subsequent elections will be held. But they will in no respect vary the general result already ascertained, which is regarded as a popular indorsement of the *men* and *measures* of the present liberal administration.

One important change, however, in the *personnel* of the present federal council will take place, by the voluntary retirement of Mr. Staempfli, who was last year, and has been during several previous years, president of the confederation. Mr. Staempfli retires to accept the direction-in-chief of an extensive banking institution just established at Berne. The reasons he assigns for withdrawing from the government is the duty of providing for the wants of a growing family, a duty which the small salary accorded to the members of the federal council and to the president of the confederation would not enable him to fulfil.

This step of Mr. Staempfli, though not working any present change in the policy or spirit of the government of the confederation, is deemed to be not without its importance, from the fact that he has been, for a series of years—indeed, ever since the adoption of the federal constitution—the man of most influence and power in Switzerland.

With the highest respect, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward

[Extract.]

No. 55.]

UNITED STATES LEGATION,
Berne, December 24, 1863.

SIR:

* * * * *

The Swiss national assembly has just adjourned, after a busy, but generally harmonious, session of three weeks. As was expected, all the members of the federal council, with the exception of Mr. Staempfli, who is replaced by Mr. Schenk, of Berne, were re-elected for the ensuing three years.

Subsequently, from this federal council of seven, the two houses, in joint ballot, elected Hon. Jacob Dubs, of the canton of Zurich, president of the confederation, and Hon. Carl Schenk, of the canton of Berne, vice-president, for the year 1864. Mr. Dubs, who is the present vice-president, is a gentleman

of large public experience, a highly cultivated mind, moderately, but earnestly liberal in his views, and thoroughly sympathizing with the efforts, principles, and purposes of the government of the United States in its struggle for the suppression of the first great popular rebellion against popular government.

As an indication of the temper of public opinion in Switzerland, it will not be without interest to the President, as well as to yourself, to be informed that the late national assembly before its adjournment passed resolutions, with almost absolute unanimity, in strong disapproval of the system of human slavery, and that with direct and special reference to the attempt now making in America to lay the corner stone of a new nationality on that institution.

With sincere regard and the highest respect, your obedient servant,

GEORGE. G. FOGG.

HON. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 56.]

UNITED STATES LEGATION,

Berne, January 2, 1864.

SIR: Yesterday being the day fixed by the Swiss constitution for the inauguration of the new president of the confederation, all the heads of the legation made it, as is customary, the occasion of calling upon the president, at the *Palais Fédéral*, to felicitate him upon his accession, and to exchange the salutations of the new year.

In my interview the president took occasion to speak of the profound interest with which not only himself but all the members of the Swiss government had watched the great struggle in the United States. There was, he said, but one sentiment, in truth, among the whole Swiss people, that was a sentiment of repugnance to the rebellion and of earnest sympathy with the efforts of the government to maintain the Union. He added that it gave him great satisfaction to congratulate me on the military successes which had lately attended the armies of the Union—successes which rendered it, in his judgment, more than probable, that the year just commenced would witness the re-establishment of the authority of the federal government over all their territory.

Every Swiss, he said, looked with aversion upon the institution of slavery, which they could not but regard as utterly irreconcilable with any just pretensions to republicanism. The system as it had existed in the United States had justly been our great national reproach, which no European republican could defend, and in view of which the most despotic princes could point at us the finger of scorn. The system was not only a disgrace and a curse to America, but it was, as a product of almost exclusively republican growth, a stumbling block in the path of liberal ideas and popular institutions all over the world. Great and appalling as were the sacrifices of the present war, the overthrow of that system would repay them all, and make of our contest a holy war for the rights of man in all lands.

In conclusion, he spoke of the high appreciation with which the public sentiment and conscience of all Europe was gradually coming to regard the character and person of the President of the United States, whose name, he predicted, would one day, and that not far hence, be enrolled among those rulers who have done most for the advancement of human progress.

Above I do not pretend to give the president's words with *verbal* exactness. Indeed I could not, as the conversation was in French. But I give the substance with entire accuracy.

Begging to add my own congratulations on the present hopeful aspect of our great struggle, I have the honor and the pleasure to subscribe myself, with sincere regard and the highest esteem, your obedient servant.

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

[Extract.]

No. 57.]

UNITED STATES LEGATION,
Berne, March 12, 1864.

SIR: Your despatches of January 29 and February 4, Nos. 48 and 49, are received. I communicated to the president of the confederation so much of your despatch as relates to the death of Mr. Hitz, and the high estimation in which he was held by yourself, the President, and all who were in the way of holding official relations with him. The president said his death was greatly regretted by the Swiss government and people, and wished me to thank you for the kind manner in which you had borne testimony to his loyalty to his own country, and to his just and honorable bearings toward the great sister republic to which he was so long accredited.

The president then referred to the subject of appointing a successor to Mr. Hitz, on which no action had yet been taken. There was, he said, a very general desire, especially among the Swiss in America, for the appointment of a minister to Washington. But such a step would necessitate the appointment of ministers also at London, St. Petersburg, Vienna and Berlin, and would thus entail a great additional charge upon the treasury, which the Swiss people could not now well bear; the government having at the present moment certain great public works on its hands, which demanded all the financial resources of the confederation.

The president wished me to reiterate to you his anxious desire for the early suppression of the rebellion and the restoration of our Union to more than its ancient power and prosperity.

With sincere regard and esteem, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 58.]

UNITED STATES LEGATION,
Berne, April 16, 1864.

SIR: I have the satisfaction of informing you that, at length, the Swiss government have given me assurance of their readiness to so far modify their present treaty stipulations with the United States as to concede and guarantee general and *equal rights* and protection to all citizens of the United States, without distinction of religious creed, travelling, sojourning, or doing business in Switzerland. This, you are aware, they have heretofore held themselves not bound to, by reason of the proviso contained in the first article of the treaty negotiated by Mr. Dudley Mann, which proviso subordinates the general scope of the treaty to "the constitutional or legal provisions, as well *federal as state and cantonal* of the contracting parties."

Under this sweeping reservation, inserted, doubtless, with special reference to South Carolina's theory of State sovereignty, and no rights to free negroes, a few of the small Swiss cantons have refused to recognize the application of the treaty to such American citizens as did not profess the Christian religion, and especially to such as adhere to the Israelitish faith. The consequences have been reclamations and complaints preferred to the legation here, and by the legation communicated to the federal council. To all of which the federal council, while regretting the illiberal legislation of those cantons, feel obliged to point to the proviso in the treaty, and to content themselves, after the manner of the successor of Saint Peter, with a "*non possumus*."

In a conversation, however, held to-day with the president of the confederation, Mr. Dubs, he informed me that the federal council are now disposed to so amend the existing treaty that no discrimination founded on religious belief shall hereafter be made or endured by citizens of the United States within the limits of the Swiss confederation.

He desired me also to propose to you the addition of a second article of the general purport following:

"The United States accord to Swiss citizens sojourning in those countries of America where Switzerland may have no representative, the same protection, upon demand by the consuls of the United States, as is accorded to their own citizens."

Upon the admissibility of the above article, or its equivalent, as a treaty stipulation, I confess to some doubts, but I have not considered it carefully enough to have formed an opinion; in some way, I make no doubt, the object sought to be secured by the proposition of the president of the confederation can be reached.

I assured the president that he could rely upon the desire of the President of the United States and yourself to do everything within your rightful authority to strengthen the relations of sympathy and friendship so long and happily subsisting between two sister republics.

Submitting the proposition to your consideration, and awaiting your instructions, I am, very respectfully and sincerely, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

[Extract.]

No. 59.]

UNITED STATES LEGATION.

Berne, April 29, 1864.

SIR:

One word additional to what I wrote you in my last despatch, relative to the proposition for a treaty stipulation engaging United States consuls to afford protection to Swiss citizens in those American States where the Swiss Confederation may have no official representative.

I learn that, by treaty engagements made long since, *French* consuls have been accustomed to afford the same kind of protection, on application, to Swiss citizens in the east which they ask of the United States consuls in the west. The *custom* still prevails. But how far it is now recognized as an *obligation* I am not at present enabled to say.

With sincere regard, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the U. S. of America.

Mr. Fogg to Mr. Seward.

[Extract.]

No. 61.]

UNITED STATES LEGATION,

Berne, June 16, 1864.

SIR: Having received no response to my despatches Nos. 58 and 59, dated April 16 and 29, communicating the proposition of the federal council for an amendment of the existing treaty between Switzerland and the United States, I beg to recall your attention to the subject.

In this connexion it has occurred to me that possibly the treaty might be modified with advantage to the citizens of both countries in some other of its provisions. For instance, article 2 provides that while "the citizens of one of the two countries residing in the other shall be free from personal military service, they shall be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service." The practical operation of this provision is believed to inure exclusively to the Swiss, inasmuch as Americans residing here are required to pay a *military tax*, while I apprehend no such tax is ever levied on Swiss in the United States.

There may be some other provisions which ought to be modified, and which may occur to the State Department in looking over the existing treaty.

But possibly you do not deem any modification necessary for the present, and decline the proposition of the president of the confederation which I communicated in my former despatch. If so, I would like to be informed to that effect, and be enabled to communicate the response of the State Department to the federal council.

* * * * *
With the highest respect, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the U. S. of America.

Mr. Fogg to Mr. Seward

No. 62.]

UNITED STATES LEGATION,

Berne, July 2, 1864.

SIR: Your despatch No. 52, of the 31st May, was received some days since. The day after its receipt I waited upon the president, with a carefully prepared translation in the French of the same. Having read the despatch, the president expressed some disappointment at the inability of the United States government to accede to the proposition of the federal council in relation to American consuls (in America) affording protection to Swiss citizens.

I said to him that, as you had stated, it would be a departure from the policy hitherto followed by our government, and that *now* was especially a most inopportune moment to adopt a new policy, which might be construed as a departure from that course of "non-intervention" which we were persistently demanding that other powers should maintain towards ourselves.

I suggested, further, that the delicacy of our present relations with France, in part growing out of recent and current transactions in Mexico, *might* be an additional reason why the United States must hesitate before any step that could possibly produce new complications, at a time when all the national energies were tasked to guard and vindicate the national life.

Of course I was careful to say that these suggestions were my own, and not those of the President or of the State Department.

The president repeated his regret, requested me to leave the copy of your despatch that he might lay it before the federal council, and promised to talk with me further on the subject.

Having waited nearly a week without having received any communication or any suggestion, I deem it proper to report progress to this extent without longer waiting. Should I have soon more to report, I will report accordingly.

In relation to the Israelite question, the exigencies of commerce are rapidly solving it, and are quite too important for a few small Catholic cantons to long hold out against the tolerant tendencies of the age. In a commercial treaty just concluded between France and Switzerland it is understood that the right of French Jews to have and enjoy all the privileges accorded to Christians in every part of Switzerland was made a *sine qua non* of its completion. As the treaty is not yet published, I cannot vouch for the absolute accuracy of this understanding.

With the highest respect, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 64.]

UNITED STATES LEGATION,

Berne, July 13, 1864.

SIR: Accompanying I herewith transmit copies of correspondence exchanged with the federal council in regard to the case of one *John Zweifel*, alleged (I suppose truly) to be a naturalized citizen of the United States, now sick and poor in his native canton of St. Gall, whither he returned and married some five years since.

In my two notes to the federal council, herewith subjoined, I have ventured to give *my* construction of article 3 of the treaty existing between the United States and Switzerland, which evidently differs from that of the authorities of St. Gall, and according to which they make the reclamation, to which my notes are in reply.

I will not repeat what I have there written, but will ask the attention of the State Department to the correspondence, and *your* approval of, or dissent from, the views I have expressed. To me it is clear that the demand in relation to Zweifel is unwarranted by the terms of the treaty, and inadmissible on general principles. But, perhaps, you may think differently, and in such case, or in any case, I shall be content to follow instructions, and thankful for suggestions in relation to the true course to be pursued in this and similar cases.

With sincere respect, I have the honor to be your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

The Federal Council to Mr. Fogg.

[Translation.]

BERNE, May 22, 1863.

In referring to the correspondence which it already has had the honor to exchange with the legation from the United States of America accredited to the confederation, concerning the individual named Jean Zweifel, of Brooklyn, State

of New York, the federal council has the honor to present to Mr. Fogg as follows :

Jean Zweifel, antecedently citizen of the commune of St. Gall, at Kallbrunn, emigrated in 1851 to North America, and acquired the right of citizen at Brooklyn, by certificate of 28th July, 1859.

In consequence of this acquisition, Zweifel renounced by act 16th August of the same year the rights of citizen communal and cantonal of St. Gall, and was, in consequence, released by resolution of 7th December, 1859, from the ties which connected him with his original country.

Zweifel returned about 18 months afterwards from America to the canton of St. Gall, married in the canton of Glavis a girl coming from the commune of Rieden, in St. Gall, had by her one child, and settled in the last commune, where he still sojourns with his wife and child.

By the tenor of a report of the communal council of Rieden, of the 5th current, Jean Zweifel lives with his family in the greatest indigence, and being affected, as appears by a physician's certificate, with a chronic pulmonary complaint of grave character, it is not possible for him to maintain himself and provide food for himself and family. At the request of the government of St. Gall, the federal council begs the minister resident of the United States of America to be so good as to procure, in the mode it shall judge proper, contributions in favor of Jean Zweifel and his family, citizens of the American Union.

If the condition in which Jean Zweifel is found should not improve, the government of St. Gall would find itself obliged to insist on his being sent back to America, in conformity with article 3 of the treaty concluded between the Swiss confederation and the United States of America of the North, of 25th November, 1850.

In expectation of overtures which the minister resident of the United States of America may be in position to make in consequence of this communication, the federal council has the honor to renew to him the assurances of its high consideration.

In the name of the Federal Council, the President of the Confederation,
C. FORNEROD.

The Chancellor of the Confederation,

SCHIESS.

Mr. Fogg to the Federal Council.

UNITED STATES LEGATION,
Berne, May 30, 1863.

The undersigned, minister resident, &c., &c., has the honor to acknowledge the note of the high federal council concerning the case of a certain named John Zweifel, alleged to have been in the canton of St. Gall, from whence he emigrated to the United States, and was naturalized in Brooklyn, State of New York, and shortly after returned to St. Gall, married a woman of the commune of Rieden, in said canton, where he is now living with his family in great poverty, the result of pulmonary disease.

In response to the demand of the government of St. Gall forwarded by the federal council, that aid be furnished to the said John Zweifel and his family, the undersigned would say that, while he profoundly sympathises with the unfortunate condition of Mr. Zweifel, he has no authority to furnish or procure the aid asked for. The government of the United States takes no cognizance of poverty or mendicity. It is a question exclusively for the several states, countries, and communes. By the laws of the several states, provision is made for the aid and maintenance of all poor persons without distinction of origin or nationality.

who may find themselves within the limits of those States; but there is no law requiring the authorities of those States to follow and relieve the necessities of persons, whether native or naturalized citizens, who choose to emigrate and become residents of a foreign country.

To return to Mr. Zweifel, the undersigned, without wishing to discuss the question, would respectfully suggest a doubt whether the case comes fairly within the provision of "article 3 of the treaty concluded between Switzerland and the United States, the 25th Nov. 1850." The question may be raised, is not Switzerland "*le pays dont il (Mr. Zweifel) est originaire?*"

The undersigned avails himself of the occasion to renew, &c., &c., &c.

GEORGE G. FOGG.

The Federal Council to Mr. Fogg.

[Translation.]

BERNE, July 3, 1863.

The federal council has given information to the government of the canton of St. Gall of the declaration contained in the note of 30th May last from the minister resident of the United States of America, importing that he is not in position to be enabled to supply or procure for the family of Jean Zweifel, of Brooklyn, State of New York, fallen sick and destitute of means of living, the contributions solicited in his behalf.

This declaration has appeared extraordinary to the government of St. Gall, which declares that it cannot admit the construction given by Mr. Fogg to article 3 of the treaty concluded between the Swiss Confederation and the United States of North America, the 25th February, 1850. It appears to that government that the minister resident has not noticed the last paragraph of article 3 of said treaty, which takes away every sort of doubt upon the meaning of this article.

Article 3 of the treaty says very clearly, that, ex gr., a citizen of the American Union who shall be sent away under the laws about mendicity, as is the case of J. Zweifel, of Brooklyn, shall be received with his wife and children in the country where he shall have preserved his rights in conformity to the laws. But J. Zweifel has not preserved his primitive rights of citizenship in the canton of St. Gall; after having formally renounced that right, and having acquired the right of citizen of Brooklyn, he not only has been, with the consent of the competent authority of the commune of Kaltbrun, released in all the forms of law by the government of St. Gall, the 7th December, 1859, from the ties which united him to that state, but, moreover, the fortune which he owned in the canton of St. Gall, and which was under pupillary administration, was returned to him. Per contra, Jean Zweifel has preserved the right of citizen of Brooklyn, and it is thence, according to article 3, several times mentioned, very clear, that he should be sent back, he, his wife and his children, because of his indigence, and should be received at all times and under all circumstances at Brooklyn.

The government of St. Gall must, in consequence, solemnly reserve to itself the evident right which it has to send back J. Zweifel and his family to Brooklyn, and it expresses the expectation that the minister resident of the United States of America would please to take the steps necessary, with the competent authority of the State of New York or the authority of the city of Brooklyn, to obtain from it the expense of the subsisting and transportation needful in favor of J. Zweifel and his family.

The sustaining this demand of the government of St. Gall, the federal council hopes that it will be favorably received by Mr. George G. Fogg.

In this hope it has the honor &c.,

The President of the Confederation,

C. FORMEROD.

The Chancellor of the Confederation,

SCHIESS.

The Federal Council to Mr. Fogg.

[Translation.]

BERNE, June 30, 1864.

Not having yet up to this time received answer to the note which it had the honor to address the 3d July, 1863, to the minister resident of the United States of America, concerning contributions in favor of the family of Jean Zweifel, the federal council thinks it ought to remind Mr. George G. Fogg of this affair, and seizes this occasion to renew to him the assurances, &c., &c.

DR. J. DUBS.

Mr. Fogg to the Federal Council.

UNITED STATES LEGATION,

Berne, July 7, 1864.

The undersigned, minister resident, &c., has the honor to acknowledge the receipt of the note of the high federal council calling his attention to the demand made upon him by the authorities of the canton of St. Gall, in relation to one *Jean Zweifel*, alleged to be a naturalized citizen of the United States.

By reference to a former communication of the high federal council, it appears that the said *Jean Zweifel* is a native of the canton of St. Gall, from whence he emigrated to the United States in the year 1851, and acquired the rights of citizenship in Brooklyn, State of New York, in 1859, and that, subsequently, he returned to his native canton of St. Gall, where he remained a citizen and inhabitant of said canton and there became the father of a child, and has resided there with his family ever since. It further appears that he, *Zweifel*, is affected with a serious pulmonary malady, in consequence of which he is in extreme indigence, and is unable to maintain himself and his said family.

Upon this state of facts, the authorities of St. Gall, through the high federal council, ask of the undersigned that he take the necessary steps to obtain from the authorities of the State of New York, or of the city of Brooklyn, the means of maintaining the said *Zweifel* and his family in their present place of abode, or of transporting them to America.

To this demand, the undersigned can do little more than repeat what he had the honor to communicate to the high federal council in his note of May 30, 1863.

Article 3 of the treaty concluded between the Swiss Confederation and the United States provides that:

"The citizens of one of the two republics residing or established in the other who shall desire to return to their country, or who shall be *sent thither* by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be *received* at all times and under all cir-

cumstances, they, their wives, and their legitimate issue in the country to which they belong, and in which they shall have preserved their rights, in conformity with the laws thereof."

Now, unless the undersigned entirely misapprehends the import of the above article, here is no engagement on the part either of Switzerland or of the United States to follow and bring back their emigrant citizens residing or established in the territories of the other—be those citizens sick or well, rich or poor. There is only, as it appears to the undersigned, the engagement that if the authorities of one of the two republics shall, "by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity," send back the citizens of the other residing within its territory, such citizens thus sent back shall be *received* with their wives and children, "in the country to which they belong, and in which they shall have preserved their rights."

Without at this time raising the question whether, according to the terms of the treaty, the wife and child of Jean Zweifel may rightfully be sent *back* to the United States—they having been born and always resided in Switzerland—the undersigned would respectfully suggest that the only mode of proceeding under the treaty is for the authorities of St. Gall to send, at their own expense, the said Jean Zweifel, with or without his family, back to New York, or rather to Brooklyn, of which last city he is alleged to be a citizen. If he shall be "received" as is provided for in the treaty, there will be no necessity for any diplomatic interference whatever, or for any appeal to the federal government of the United States.

And, in any case, the undersigned has the honor to inform the high federal council that inasmuch as he sustains no official relations with the State of New York, nor with the city of Brooklyn, he can only communicate to his government copies of this correspondence and await their instructions. Meanwhile he takes occasion to repeat what he said in a former note, that the government of the United States takes no cognizance of pauperism, or mendicity, which pertain exclusively to the local authorities, State, county, or communal.

Trusting that the general views and suggestions herewith submitted may be found correct, and commend themselves to the judgment of the high federal council, the undersigned takes this occasion to renew to their excellencies the assurance of his high respect and consideration.

GEORGE G. FOGG.

Mr. Fogg to Mr. Seward,

No. 66.]

UNITED STATES LEGATION,
Berne, August 6, 1864.

SIR: Your despatch, dated July 23, No. 53, advising my attendance, "in an unofficial manner," upon the sessions of the International Sanitary Congress, to be held the ensuing week at Geneva, is received. I shall do so with pleasure, subject to the contingency you suggest.

The object of the originators of this congress is undoubtedly good and worthy of encouragement; whether, however, the object is likely to be attained in the way proposed is at least problematical. I confess to great doubts on the subject, doubts which the result will confirm or dissipate.

I could have wished, however, in view of the great practical solving by our countrymen and countrywomen of nearly all the problems likely to be considered by this congress, that some member of the United States National Sanitary Commission, familiar with the practical working of that organization, and able to speak from personal observation on the field of battle and in the hospitals, should have been commissioned, either by the government or by the Sanitary Commis-

sion itself. The exhibit such a person would have been able to make would, I am sure, have told more powerfully than any theories in favor of the ends sought to be realized by the originators of the proposed congress.

In the absence of such a person, I shall cheerfully communicate such facts as I may be in possession of, and which may appear apposite to the purpose and spirit of the occasion, not of course venturing to do or say anything which can be construed into a committal of the government of the United States to any measure or course whatever.

With sincere regard and the highest respect, your obedient servant.

GEORGE G. FOGG.

HON. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward

No. 67.]

UNITED STATES LEGATION,

Berne, August 26, 1864.

SIR: Your despatch, dated July 28, No. 54, in response to mine of July 13 indorsing my correspondence with the federal council in reply to the demand of the authorities of the canton of St. Gall that one John Zweifel, alleged to be a naturalized pauper citizen of the United States, be supported in St. Gall or transported to New York, by the authorities of the United States, has been received, and I thank you for the approval you have been pleased to accord to the views contained in my share of that correspondence. Although you did not expressly authorize me to do so, I deemed the importance of the question a sufficient warrant for transmitting a copy of your despatch to the federal council. And this, indeed, courtesy seemed to require, inasmuch as in my last note, a copy of which I enclosed to you, I informed the federal council that I should send the entire correspondence to the State Department and await your instructions.

The entire question is so plainly and exhaustively treated by you that I do not anticipate a response; much less a renewal of the pending or of a similar demand. Indeed, I apprehend the question was never seriously considered in connexion with the treaty by the federal council, but that they found it convenient to forward the demand of the authorities of St. Gall, without troubling themselves to consider carefully the soundness of the principle involved.

Should, however, contrary to my expectation, any response be made requiring to be noticed, I shall lose no time in forwarding the same to the department.

With the highest respect, your obedient servant,

GEORGE G. FOGG.

HON. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 68.]

UNITED STATES LEGATION,

Berne, August 29, 1864.

SIR: Your despatch of July 28, No. 55, approving of the tenor of my verbal explanation to the president of the confederation, of the reasons which render it impracticable, at present, for the United States government to enter into a treaty stipulation, as proposed by him, for the protection of Swiss citizens by American consuls, has been received.

As the president has not since resumed the conversation, as he proposed, I have not deemed it necessary to acquaint him with the additional suggestions

contained in your last despatch. Indeed, no practical advantage can come of pressing the *other* question—that of Israelitish toleration—inasmuch as that question is settling itself as rapidly as possible. As I intimated in my despatch of July 2, the treaty recently concluded between France and Switzerland expressly guarantees the right of French subjects, without distinction of faith or worship, to travel, sojourn, and transact all lawful business, as freely as Swiss Christian residents of other cantons may do the same. This treaty is not yet *ratified* by the federal assembly, comprising the two branches of the national legislature, which bodies are to have an adjourned session the 20th of September next.

It is known that there will be opposition to the treaty in those bodies, and this principally on account of the Jew-tolerating provision. But there is believed to be no serious doubt that the treaty will be ratified on account of the commercial and industrial advantages secured to the citizens of Switzerland.

The treaty with France once ratified, the whole question is *practically* settled. When the thousands of *French* Jews are tolerated and protected, it will be absurd to proscribe and persecute the dozens or hundreds of other nations. Besides, there are now pending several treaties with other governments containing the same guarantee in favor of the Jews, and the ratification of the French treaty will seal the success of the others, and, without serious doubt, put an end to all complaints and reclamations on account of disabilities founded on difference of religious faith and worship.

Promising to acquaint you with the fate of the French treaty in the national assembly, I have the honor to be, very respectfully, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

Mr. Fogg to Mr. Seward.

No. 72.]

UNITED STATES LEGATION,
Berne, October 11, 1864.

SIR: In my despatch of August 29, I informed you of the negotiation by the federal council of a commercial treaty between Switzerland and France, in which is conceded to all French subjects, "without distinction of faith or worship," the right to sojourn and transact all branches of lawful industry and commerce in every part of Switzerland, subject only to such regulations and restrictions as may be rightfully imposed upon all classes of Swiss citizens.

I further informed you that there would be held, on the 20th of September, a special session of the federal assembly, (a congress,) to consider and ratify, or to reject the treaty. Since then the session has been held, and has just adjourned, having ratified the treaty by a very large majority. There was strenuous opposition to the ratification by the representatives of several of the small Catholic cantons, among the people of which prevails a strong prejudice against the Jews, whom they regard as still tainted with all the sins of their fathers, who crucified the Saviour of the world.

There were also some *liberals*, "strict constructionists," who opposed the ratification on *constitutional* grounds, they arguing that neither the federal council nor the federal assembly have the power to admit Jews to an equality of rights with Christians, in disregard of the laws of those cantons which deny them such equality. To effect this object it was contended that a change of the federal constitution was necessary. This position, however, was not sustained by the majority, which decided the treaty expedient, and not in contravention of the constitution.

In *principle*, therefore, the question so long mooted, and which occasioned so voluminous a correspondence between my predecessor, Mr. Fay, and the Swiss authorities, may be regarded as settled. The *practical* question may also, I trust, be regarded as settled, in accordance with the demands of enlightened Christian opinion in both Europe and America. The treaty just ratified secures, it is true, only the rights of French Jews; but it will be followed by treaties with other powers, and must, in the end, enfranchise the whole race, since the Swiss authorities having taken the first step in a movement so obviously just, and so imperatively demanded by the spirit of the age and their own position as the vanguard of liberty in Europe, they cannot recede, but must go forward.

I have the honor to be, very respectfully, your obedient servant,

GEORGE G. FOGG.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States of America.

EGYPT.

Mr. Seward to Mr. Thayer.

No. 26.]

DEPARTMENT OF STATE,
Washington, October 23, 1863.

SIR: Your despatch of September 5, No. 37, has been received. The information it communicates relative to the cotton crop in Egypt, and the favorable progress of the Suez canal enterprise, is very interesting and instructive.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., &c., &c., &c., *Alexandria.*

Mr. Seward to Mr. Thayer.

[Extract.]

No. 29.]

DEPARTMENT OF STATE,
Washington, February 26, 1864.

SIR: Your despatch of January 23, No. 44, has been received; and the information it communicates relative to the cotton crop in Egypt and various other subjects has been read with much interest.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., &c., &c., &c., *Alexandria.*

Mr. Seward to Mr. Thayer.

No. 30.]

DEPARTMENT OF STATE,
Washington, March 14, 1864.

SIR: Your despatch of the 1st ultimo, No. 45, communicating intelligence of the death of Mr. Charles March, late United States vice-consul at Cairo, was duly received and has been made public here, where the deceased was well and favorably known. The circumstances which attended his sudden and unexpected death, with your just and feeling tribute to his character and attainments, will possess a melancholy interest to his friends and to the public generally.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. THAYER, Esq., &c., &c., &c., *Alexandria.*

Mr. Thayer to Mr. Seward.

[Extract.]

No. 37.]

UNITED STATES CONSULATE GENERAL,
Alexandria, September 5, 1863.

SIR: I have the honor to acknowledge the receipt of the despatches of the department to No. 24 inclusive, the contents of which have been duly noted.

It appears that the quantity of cotton reported in appendix B, of my despatch No. 31, as exported from Egypt during 1862, only represents about the third of the crop actually raised, the whole amount of ginned cotton produced last season being nearly fifteen hundred thousand ginned cantars.

This year the breadth of land declared by the local officers of the government to be sown with cotton is 700,000 acres, promising the unprecedented yield of from two millions to twenty-five hundred thousand cantars.

The Nile has risen higher this season than for many years, but the canals are so clean, and the Viceroy has taken such precautions, that the fear of a destructive inundation has almost passed away. Such an accident would ruin both the cotton and Indian corn, (the latter the principal food crop of the country.) The cotton will be ready to commence gathering by the middle of the present month.

I have the honor to be, sir, very respectfully, your obedient servant,
WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Thayer to Mr. Seward.

No. 44.]

UNITED STATES CONSULATE GENERAL,
Cairo, January 23, 1864.

SIR: Since my last despatch, No. 43, nothing of special importance has occurred in Egypt.

As you are already advised, the cotton crop is in great excess of former years; indeed, the value of it is estimated at about two-fifths that of the crop of the United States in former years. But there is a great deficiency in the means of transportation to market, owing to the almost entire monopoly of the freight trains by the Viceroy and his friends, and the absence of steamboat communication on the Nile. Thousands of bales are consequently delayed at the stations on the line of the railroad, waiting week after week for a chance to be taken to the port of Alexandria. At present there is an active demand at \$44 per 100 pounds for middling, though at times the price has been as high as \$50.

Not long since a rumor that France was about to recognize the southern confederacy caused a reduction in price, and bargains were made on the strength of that report which resulted in very heavy losses to sellers; for no sooner was the rumor circulated than it was disproved by events, which brought the article up again.

The Viceroy is still occupied with his controversy about the Suez canal—a controversy still unsettled, although the works are not interrupted. Among his recent acts indicating a disposition to reforms, is the establishment of prizes for marksmanship among his soldiers, and of races twice a year at Cairo and Alexandria for the improvement of the breed of horses here, which, by the way, has

greatly declined of late. The prizes are offered by government to the competition of horses of all nations.

Towards the end of December the extension of the fresh-water canal from the Nile to Suez was celebrated at the latter place, with the proper ceremonies. A navigable canal of fresh water over 200 miles long now pours itself into the Red sea, staining its waters for two or three miles, a thing unknown since the days of the Pharaohs, when the products of India were transported by a similar canal to the European shores of the Mediterranean. This new canal, though primarily intended for the benefit of the French colonies on the line of the Suez maritime canal, will be of great use to the natives of Egypt, by fertilizing large tracts of what is now desert land, and supplying Suez with an abundance of potable water. Not less than \$16,000 have heretofore been paid by this government for the annual supply of water required by railroad and steamships at the latter place.

An unusual number of travellers has gone up the Nile this winter. Among the distinguished Europeans who have arrived is Mr. Roug t, of France, the most eminent living Egyptologist. Mr. Roug t is commissioned by the Emperor of the French to take a photographic copy of every hieroglyphic inscription and painting in Egypt, and to furnish a translation of them. The preservation of these vanishing records will be a great service to science. It is also worthy of mention that Mariette, a French savant, distinguished for his arch eological labors here, has erected and arranged at Cairo, for the Viceroy of Egypt, during the past year, an admirable museum of Egyptian antiquities, in some respects not equalled by any other in the world.

While referring to these researches of the French, I may record the mission of Professor Desjardins of the Ecole Normale at Paris, who, a year ago, came to Egypt by imperial order, to examine the traces of ancient Roman domination here. The results of his investigation will appear, it is said, in the Emperor's forthcoming life of Julius C sar.

In announcing, in my last despatch, the appointment of Mr. Charles Marsh as vice-consul at Cairo, I neglected to mention the reason for the dismissal of his predecessor, a Levantine English subject, named Robert I. Wilkinson; this individual having been detected in practices degrading to the character of an officer of our government, and, on having his attention called to the subject, declared himself wholly independent of the United States, avowing publicly and repeatedly that he was in correspondence with Jeff. Davis's agent, who, as he said, had promised to make him consul-general of the so-called southern confederacy. He (Wilkinson) also threatened to raise the flag of the southern confederacy in one month, and to surrender to said secession agent the consular archives, which he had removed from the consular office, and which had to be recovered from him by the forcible assistance of the local police. Whether his declarations were well founded or not, they were used by him (unsuccessfully, however, with few exceptions) to induce our prot g s to withdraw from the jurisdiction of our government. Ordinarily, I should not regard the attempt to lessen the number of our prot g s as a grievance, but, under present circumstances, it certainly shows the disposition of the offender to give aid and comfort to our enemies. Such delinquencies of Mr. Wilkinson, (which are authentically attested,) in my opinion, required his prompt dismissal, which took place on the 20th of last November.

I am, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Thayer to Mr. Seward.

No. 45.]

UNITED STATES CONSULATE GENERAL,
Alexandria, February 1, 1864.

SIR: I have to report the painful tidings of the death of Mr. Charles Marsh, of New York, who has recently been acting as vice-consul of the United States at Cairo.

This sad event took place very suddenly, at the consular residence in Alexandria, on the evening of Sunday, the 24th of January last. Mr. Marsh, while on a visit here, was confined to his bed a few days by typhoid fever, of so mild a type that neither himself nor his physicians apprehended any serious result, although such attacks are generally more trying to men of his vigorous physique and sanguine temperament than to others. On Sunday, the 24th, he for the first time expressed himself as feeling seriously unwell, and at 4 p. m. a rush of blood to the head rendered him insensible. In this condition he remained until his death, seven hours later. He was assiduously attended by three of the most skilful European physicians in the Viceroy's service.

On the afternoon of the 26th ultimo the funeral ceremonies were solemnized at the consulate and in the Church of St. Catherine. They were attended by the chief functionaries of the local government, and the consular representatives of the different nations, in uniform, besides a very large concourse of European residents, many of whom, notwithstanding the shortness of his stay, had known the deceased well enough to feel a sense of personal loss in his death. Among the pall-bearers were consular officers of England, Russia, Italy, and Holland. The remains were placed in the Catholic cemetery of Alexandria.

At the time of his decease Mr. Marsh had hardly attained the prime of life, and up to the last illness seemed the embodiment of vigorous health. No requisite of happiness and prosperous fortune was wanting to him. His eminent social qualities, his generosity and talents had gained him an unusually large circle of friends in America and Europe. He had been the trusted associate of Mr. Webster and others of our leading statesmen; but as a rule had declined to accept official preferment for himself. Only once, I believe, he consented to represent his native city, Portsmouth, in the New Hampshire house of representatives, where he was nominated by one of the two great parties for the speakership. He was a graduate of Harvard College, and his published volumes of Reminiscences of Mr. Webster, and of travels in Madeira and Spain, as well as his various contributions to magazines and journals, had given him a creditable place in American literature.

It was but November last that Mr. Marsh accompanied me from Paris to this country, in the fulness of health and pleasant expectations. Few indeed of his many friends will be prepared for the affliction which thus befalls them.

The steps required by law in relation to the property of the deceased have been duly taken, and the proper information communicated to his brother, Mr. Clement Marsh, of Portsmouth, N. H.

I am, sir, very respectfully, your obedient servant,

WILLIAM S. THAYER.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Hale to Mr. Seward.

AGENCY AND CONSULATE GENERAL OF THE U. S. OF AMERICA,
Alexandria, Egypt, October 22, 1864.

SIR: I have the honor to report, that soon after the date of my last despatch a formal interview was arranged for the presentation of my credentials from the

President of the United States to the Viceroy of Egypt, in the usual manner. The interview was postponed from time to time, on account of the great heat, the indisposition of the Viceroy, and the more serious illness of his minister, Cherif Pacha. Not less than four or five messages were sent to me, during this interval, to excuse the delay, but as the Viceroy had received me informally, immediately on my arrival in Egypt, there was no substantial reason for regretting it. The reception took place last week at Cairo.

The state ceremonial rigorously observed by this oriental court on such occasions, to do honor to the representatives of other countries accredited to it, has been faithfully described in the official communications of my predecessors; referring to these to avoid repetition, I content myself with remarking that nothing of the usages was omitted in the present instance which could testify the respect of the Egyptian government for our own, or express their cordial welcome to the representative of the United States. The consuls general of Persia, of Greece, and of Brazil were also received by the Viceroy the same week; precedence, however, was accorded to me. In presenting the letters of the President I made a brief address to the Viceroy in French, of the tenor prescribed by my instructions; to which the Viceroy replied, in the same language, reciprocating the President's expressions of good will, and promising that nothing should be lacking on his part for the maintenance of the most friendly relations.

The same day Cherif Pacha, the minister of foreign affairs, called upon me at my hotel; and although such visits, being regarded as merely ceremonious, usually last but a few minutes, it may be remarked that in the present instance the minister remained nearly two hours, engaged in earnest conversation. He said that he would have much to say, by way of complaint, of the irregular proceedings of Mr. Dainese, but that the arrival of a new representative of our government inclined him to allow these grievances (which it is painful to say are personal as well as political) to be forgotten. Passing to a broader field after this generous consideration, he asked for the latest news from America—manifesting a very accurate information and an enlightened interest in our struggle to maintain the integrity of our Union. He recurred to the conversations which he used to have with my predecessor, Mr. Thayer, on the subject; and declared that the progress of events had not in the least shaken his confidence in the strength of our cause, and in our ultimate and perfect success, opinions which he expressed at the beginning of our war, and repeated to the late Viceroy, Said Pacha, in the presence of the Emperor of the French, in the year 1862.

Mr. George C. Taylor, appointed by the President to be consul at Cairo, having arrived in Egypt shortly before the official reception, I presented him to the Viceroy, immediately after my own reception, and, in accordance with the instruction No. 32, addressed to my predecessor, I applied to the government of his Highness for the necessary recognition to enable Mr. Taylor to enter upon his duties, which was immediately granted, and Mr. Taylor is now at Cairo in their discharge.

The members of the consular corps who happened to be in Cairo called upon me there, and the others since my return to Alexandria, and I have returned their visits. These courtesies have been exchanged with the most hearty good will. The consuls general accredited to the Viceroy now number seventeen, from the following countries, besides our own: Austria, Belgium, Brazil, Denmark, France, Great Britain, Greece, Hanseatic Towns, Italy, Netherlands, Persia, Portugal, Prussia, Russia, Spain, Sweden, and Norway.

The whole body of consuls general was convened at the ministry of foreign affairs to-day, at the instance of Cherif Pacha, to receive a project for the establishment of a municipality for the better government of the city of Alexandria. The imperative necessity of some such measure will be apparent when it is observed that Alexandria, most happily situated near the junction of three continents, is fast regaining the position it anciently occupied in the commerce

of the Old World; its trade embraces nearly all countries; it is a city of about 150,000 inhabitants, of whom about 50,000 "enjoy the rights of nationality," as it is called; that is to say, are excepted from the operation of the local laws, being subject to the jurisdiction of the seventeen consulates general. It is plain that no proper municipal government can be had with jurisdictions so diverse.

It must be recollected that one of the incidents of this system is the complete exemption from taxation of all the fifty thousand Franks, comprising the most wealthy of the inhabitants of the town. The government cannot with justice keep the streets drained, swept, paved and lighted, either at the expense of the poor rayahs, nor assess the cost upon the general revenues of the country. It follows that the streets are always in a most filthy and dangerous condition; life and limb are insecure, and the advantages of civilization are lost among a numerous and wealthy community. The European residents are generally not only willing to be taxed for municipal purposes, but earnestly ask for the municipality. It is only desired that there shall be due safeguards to prevent oppression and to secure the proper application of the moneys raised.

In Constantinople, and it is believed also some of the large towns of China where the system of extritoriality prevails, the adoption of a municipality of some kind has been found necessary, and has received the assent of the representatives of the Christian powers, including our own.

There was an entire accord among the consuls general present at the meeting to-day (which included representatives of all except Portugal and Brazil) in accepting the principle of the municipality, and a memorandum to this effect was signed by us all. With reference to the details of the plan, in which much difference of opinion exists, it was agreed that the consuls general should meet to compare opinions on the 1st of December.

The United States have here few permanent residents to be affected by the scheme, and the opinion of these I shall be careful to gather; the important interests of the missionaries will be protected by the exemption from taxation which it is proposed to allow to property used for religious purposes; while all American travellers will be benefited, without cost, by the public improvements which the plan, if successfully carried out, will give to the town.

You understand, of course, that nothing is proposed which will be inconsistent with the express terms of the famous "capitulations" or of existing treaties, and nothing which is inconsistent in principle with the system already adopted for Constantinople, with the assent of the Christian powers.

Great care in arranging the details of the plan will unquestionably be exercised by the representatives of powers, who have here numerous colonies of subjects, some of them counted by thousands; and I trust that it may be agreeable to the department to authorize me to acquiesce in behalf of the United States in the adoption of such plan, not inconsistent with the important limitations already expressed, as may appear satisfactory after consultation with our citizens here, and not objectionable to the representatives of powers having greater interests involved. In view of the distance of America, to ask a delay for communication at each step in the proceedings, when we have but few citizens here, would be distasteful to the Viceroy's government, which takes a deep interest in the plan, and is anxious for its speedy adoption. Indeed, its forbearance in hearing objections is remarkable.

I have the honor to acknowledge the receipt of your instruction No. 3 in reference to the acknowledgment of a generous contribution in Egypt in aid of the widows and orphans of the defenders of the Union, and to report that I expressed the thanks of the government by a letter addressed directly to the committee of the donors.

The term of service of Captain G. Frank Stevens, appointed provisionally vice-consul at Cairo, was honorably ended upon the arrival of Mr. Taylor.

For vice-consul at Alexandria I have appointed Mr. V. Barthow, one of the most respectable, as he is one of the oldest Frank residents of Egypt; he may truly be said to be the oldest American here, for he was born on the soil, of American parentage, (his father was a native of New Jersey,) under the United States flag. He has for a long time been in the actual discharge of the duties of vice-consul, but, as it appears, his name has not heretofore been formally communicated to the department. I deem it proper now to make the nomination, and respectfully request for it the approval of the government.

I have the honor to be, sir, with great respect, your obedient servant,

CHARLES HALE,

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

MOROCCO.

Mr. Seward to Mr. McMath.

No. 10.]

DEPARTMENT OF STATE,
Washington, December 9, 1863.

SIR: I have to acknowledge the receipt of your late despatches up to No. 15 of the 5th ultimo, including your private communication of the same date.

Before the receipt of your latest communications on the subject of the hostility which has recently been manifested towards the Jewish population of Morocco, the attention of the department had been called to it by the board of delegates of American Israelites at New York. A copy of their letter, dated the 25th of November, and of my reply, dated the 3d instant, is herewith enclosed. I send also a transcript of a letter relating to the same subject, dated the 1st instant, addressed to the Assistant Secretary of State by the secretary of the board of delegates.

If the facts represented to you by the governing committee of the Hebrew congregation at Tangier, and derived by you from other sources, should be confirmed by subsequent investigation of the painful occurrence which took place at Saffi, you are authorized to exert all proper influence to prevent a repetition of the barbarous cruelties to which Israelites in the Moorish empire have, on account of their religion, been subjected. Such a course, which is dictated by common humanity, will, no doubt, be pursued by the representatives of all the Christian powers at Tangier, and their united efforts will, it is believed, effectually check the proceedings complained of.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. M'MATH, &c., &c., &c., *Tangier.*

Mr. Josephs to Mr. Seward.

No. 85.]

BOARD OF DELEGATES OF AMERICAN ISRAELITES.
NEW YORK, *Kislev, 14, 5624,*
November 25, 1863.

SIR: It becomes our duty, as representatives of the American Israelites, to bring to the attention of your department a matter in which we feel assured that we have your sympathy, and can rely upon your kind offices in adopting our suggestions, as far as may be consistent with the policy and views of our government.

Information has reached us of the renewal of atrocities and barbarities toward the Jewish population of Tangier, that are regarded as foreboding a general persecution of the Israelites of Morocco. Such a powerful effect has the bare recital of these outrages had upon the minds of our co-religionists in Great Britain, to whom the intelligence was first communicated, that they have commissioned the venerable Sir Moses Montefiore to visit the scene and represent them; and, accompanied by two other gentlemen of the "Board of Deputies of British Jews," he has set out for Morocco, assured of the cordial co-operation and sympathy of the British government, who have, we understand, tendered him the aid and influence of their representatives in Morocco, whom they have instructed to further the mission of the Jewish representatives in securing justice to unoffending, innocent Israelites, accused of fearful crimes, and barbar-

ously tortured, and several executed, in response to the cruel mandates of the Emperor of Morocco at the solicitation of the Spanish authorities.

What we desire to represent to your department is our earnest hope that you will convey to the United States consul at Tangier the instructions of our government that he will co-operate with the British authorities in measures that may be taken to further the mission of Sir Moses Montefiore authorizing him to proceed to as great an extent as may be consistent with the relations of this government and the Barbary States in securing justice to these unfortunate people and preventing the general persecution apprehended.

As a precedent we need only refer to the action of the United States during the administration of Mr. Van Buren, about the year 1840, when Mr. Forsyth, then Secretary of State, instructed the American representative near Damascus to exercise his influence in the case of similar atrocities there, when the same steps as here indicated were taken by our British co-religionists, assisted by the British government, and indorsed by our authorities, at the solicitation of American Israelites.

We are satisfied that it is only necessary to submit this to your department to receive the assurance that our government will, through its authorized agents, signify its pain and abhorrence at these outrages, and will cordially co-operate with the representatives of Great Britain in furthering the humane and benevolent mission of Sir Moses Montefiore as far as it consistently can.

With assurances of profound respect, I am, honored sir, in behalf of the executive committee,

[SEAL.]

Hon. WILLIAM H. SEWARD,
Secretary of State.

HENRY JOSEPHS, *Chairman.*
MYER S. ISAACS, *Secretary.*



Mr. Seward to Mr. Josephs.

DEPARTMENT OF STATE,
Washington, December 3, 1863.

SIR: I have received your letter of the 25th ultimo, on the subject of persecutions of Israelites in Morocco. In reply, I have to express my regret and surprise that, in this comparatively enlightened age, any class of people in any country should be persecuted on account of their religious tenets. Mr. McMath, the United States consul at Tangier will be instructed to inquire into the matter, and if he shall find that you have been correctly informed, he will use all proper influence for the purpose of checking the proceeding complained of.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY JOSEPHS, Esq.,
Chairman of the Board of Delegates of American Israelites, New York.

Mr. Isaacs to Mr. F. W. Seward.

No. 89.]

BOARD OF DELEGATES OF AMERICAN ISRAELITES,
New York, Kislav, 5624,
December 1, 1863.

HONORED SIR: In order that I might comply with my promise to write to you by this day's mail, I am obliged to send you a copy of simply the post script to the letter of the Tangier Hebrew congregation, the original of which I had

the honor of transmitting to you yesterday, the appeal itself being a copy of the statement presented to the "Board of Deputies of British Jews." This postscript is, perhaps, the most essential portion to be transmitted to the departments, the details being already communicated. I shall, however, take occasion to send a copy of the entire document.

I should be sorry should any delay on my part have prevented the department coming to an early conclusion in the matter, as it would be extremely gratifying to this board to be able to communicate as soon as practicable to our brethren at Tangier the assurance that the United States government will be prompt as ever to exercise its powerful influence in behalf of the oppressed, and that it will cordially sympathize with the mission undertaken by Sir Moses Montefiore, to secure justice to the innocent, and the prevention of the apprehended persecution.

Awaiting your reply, permit me to subscribe, very respectfully, yours,

MYER S. ISAACS,

Secretary, 150 Nassau street.

Hon. F. W. SEWARD,

Assistant Secretary of State, Washington, D. C.

[Translation.]

P. S.—The equal to this despatch was transmitted to the "Board of Deputies of the British Jews in London," and to the "Central Consistory," and to the "Universal Israelitish Alliance" of Paris, and we doubt not that those respectable boards, with their usual zeal, will interest themselves with their respective governments, in order that they may intercede with the government of Morocco; so that injustice may not be committed against their brethren in Morocco; and this we expect of you as co-religionists and inhabitants of a country of liberty and justice, and under a government full of civilization, liberal, just, and humane, that you may be seen to interest yourselves and to intervene with the honorable President of the United States that he may recommend to his representative here, Jesse W. McMath, esq., a sincere man sympathizing with the Hebrews, to intervene under his honorable influence, and in the name of humanity, to alleviate the injustices which are sought to be committed against your brethren in Morocco. A recommendation of this sort will give us inspiration and honor in this barbarian country.

MOSES PARIENTE,

President pro tempore.

Seal of the Hebrew Congregation of Tangier.

Mr. Seward to Mr. McMath.

No. 11.]

DEPARTMENT OF STATE,

Washington, May 9, 1864.

SIR: Your despatches, No. 19, of March 26, and No. 20, of the 2d ultimo, have been received. The statistical information presented in the latter is very interesting, and so much of it as relates to the culture of cotton in the Moorish empire has been communicated to the Department of Agriculture. The question presented in your No. 19, concerning the erection and maintenance of a light-house, on Cape Spartel, at the entrance of the Strait of Gibraltar, will be submitted for consideration to the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. MCMATH, Esq., &c., &c., &c., *Tangier.*

Mr. Seward to Mr. McMath.

No. 12.]

DEPARTMENT OF STATE,
Washington, June 27, 1864.

SIR: In further answer to your despatch of the 26th of March last, No. 19, submitting the form of a treaty proposed by his Majesty the Sultan to all foreign nations represented in Morocco, in reference to a light-house erected by his Majesty's order on Cape Spartel, I have now the honor to transmit a copy of a letter of the 11th instant from the Secretary of the Treasury, to whom, as stated in my instruction of the 9th ultimo, the subject had been submitted for consideration. No objection is perceived to your entering into the proposed arrangement on behalf of the United States in the event of its being generally acceded to by the other foreign nations represented in Morocco, and you are consequently authorized to express your assent to it, conformably to the suggestions of the Secretary of the Treasury.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. McMATH, Esq., &c., &c., &c., *Tangier.*

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *June 11, 1864.*

SIR: I have the honor to acknowledge the receipt of your letter of May 19, transmitting a copy of a despatch from the United States consul at Tangier, who encloses the form of a treaty proposed by his Majesty the Sultan of Morocco, for the assent of the commercial nations represented at his court, binding them to make annual contributions for the maintenance and repair of a light-house recently erected by the government of Morocco on Cape Spartel, at the entrance of the Straits of Gibraltar from the Atlantic. It appears that Morocco, having no naval or commercial marine, is indisposed to assume any expense in this matter, beyond that incurred in building the light-house.

In the articles of agreement as originally draughted the minister of Spain resident in Morocco proposes certain amendments, and you state it as your impression that an arrangement in this modified form may have some political value.

In view of the peculiar circumstances of the case and of the consul's statement as to the importance of the structure to the commerce of all nations trading in the Mediterranean, I am of opinion that the United States may very properly assume their proper share of the 15,000 francs to which the annual expense is limited.

Would it not be better, however, to pay their proper proportion of the principal, of which that sum would be the annual interest, and engage the Sultan by treaty to maintain the light?

The change of the first article suggested by the Spanish minister seems to be judicious, as it strikes out the proposed guarantee of the territorial sovereignty and ownership of the light-house, and substitutes a simple acknowledgment of the jurisdiction of the Sultan.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. McMath.

No. 13.]

DEPARTMENT OF STATE,
Washington, August 25, 1864.

SIR: Your despatch of the 1st ultimo, No. 22, announcing the removal of certain restrictions on trade in the interior markets of Morocco, has been received, and has been read with satisfaction. Due publicity will be given to the information you have communicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. McMATH, Esq., &c., &c., &c., *Tangier.*

Mr. Hunter to Mr. McMath.

No. 14.]

DEPARTMENT OF STATE,
Washington, November 7, 1864.

SIR: Your despatches Nos. 23 and 24, the latter dated the 6th ultimo, have been received, and the course pursued by you, concerning the subject to which they refer, the erection of the new light-house on Cape Spartel, is approved.

Pursuant to the suggestion contained in your No. 23, a full power is herewith enclosed, authorizing you to treat, upon a footing with the representatives of other foreign powers of Tangier, with regard to the maintenance of the said light, &c.

Notice of the time of illumination which had been agreed upon, the 15th ultimo, will be communicated to the Light-house Board and will also be duly made public.

I am, sir, your obedient servant,

W. HUNTER, *Acting Secretary.*

JESSE H. McMATH, Esq., &c., &c., &c., *Tangier.*

Mr. McMath to Mr. Seward.

CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, November 5, 1863.

SIR: Herewith I beg to enclose a copy and translation of a communication received from the governing committee of the Hebrew congregation of this city, (enclosure No. 1.)

I believe it unnecessary to enter into a lengthy detail of the cause of complaint, for I beg to presume you are already in possession of a communication from the same committee through the agency of the Jewish committee of New York. However, I feel it to be my duty to say that the representations made to the board of deputies in London and the Israelitish alliance in Paris, instead of mitigating, (if not from some other cause,) have certainly aggravated the condition of the Jews of this country.

I have expressed no opinion, but in the strictest sense have observed the rule of non-interference throughout. I await your instructions. Enclosed you will please find extracts from the Jewish Chronicle and Morning Advertiser, both London papers.

I have the honor to remain, very respectfully, your obedient servant,

JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Enclosure No. 1.]

GOVERNING COMMITTEE OF HEBREW CONGREGATION OF TANGIER,
Tangier, October 27, 1863.

SIR: The governing committee of the Hebrew community of Tangier solicit, in the name of humanity, your good offices in behalf of our persecuted brethren in Morocco.

You will not ignore the Barbary cruelties, which, without any reference being had to the usual forms of justice, have lately befallen some of our brethren, and in consequence of which we have had recourse to the Board of Deputies of British Jews in London, as well as to the Central Consistory, and the "Alliance Universal Israelit at Paris," which (corporations) have given effect to their customary zeal, and addressed themselves to their respective governments with a view to put a stop to the said act of persecutions.

It appears, however, that their action has had the effect of aggravating rather than mitigating the cruelties which are daily committed upon our co-religionists, and that this state of things is owing to the determination to show how little regard is paid to the representations made in England and France, and to the disapprobation expressed by the government and press of said nations.

Owing to the intervention of the representatives of foreign powers, many years have passed since the punishment by torture and unjust and barbarous proceedings have ceased in this country, as is proved by the fact that up to the time when these unfortunate Jews who had been accused at Saffi were subjected to a cruel death, and the recent bastinado infliction took place, without even a light cause, the penalty of death has not been for many years past carried into effect by the Moorish government on the persons of Jews, nor at Tangier. even, that of the bastinado; but unfortunately we see with much pain that this description of punishment has been re-established, and, what is more to be regretted, that this is done under the inspiration of the representative of a civilized nation. We cannot believe that this is done with the consent of the government of her Catholic Majesty, since in addition to the kindness, benevolence, and kind reception which our brethren who took refuge in their country received from her Majesty the Queen of Spain, her ministers, generals, officers and subjects, during the war, and the occupation of Zetnow, as well as from the unctionaries who have before now represented that government in Morocco, who (the latter) have always shown themselves to be the friends of the Jews, and favored our brethren whenever they had the occasion to apply for their good offices.

You are informed of the act of barbarity and tyranny committed two days ago upon two of our co-religionists, without sufficient cause. The same has been originated in a trifling dispute they had had with a groom of the Spanish minister, Señor Merry, which proceeding, according to the statement of the local authorities, took place at the instigation of her Catholic Majesty's minister, and surprises us very much, as we cannot understand what the intentions may be of that legation and consulate, operating against a race so weak and defenceless as that of the Jews in Morocco.

Under these circumstances we implore you to take our case under consideration, to lend to us your well-known aid and protection, and adopt whatever measures may be necessary to do away with these acts of barbarity.

The object which we *hope* to attain we do not think we shall accomplish unless all the civilized powers interest themselves in our favor, and assist us to ward off the calamitous events with which our poor co-religionists, who are subjects to the jurisdiction of the Moorish government, are threatened. We therefore hope you will have the goodness to submit to your government this our

humble representation, and employ all your influence in order that the justice of our cause may be taken into consideration.

I avail myself of this opportunity to assure you, in the name of this committee, of our high and most sincere consideration.

I have the honor to be, sir, respectfully, your obedient servant,
[Seal of Hebrew Congregation, &c.] **MOSES PARIENTE,**

President pro tem.

Hon. JESSE H. McMATH,

Consul General for the U. S. of America in Morocco, Tangier.

P. S.—Equal representation has been made to all the representatives for foreign nations in this country.

I hereby certify that the above is a true and correct translation of the Spanish original.

MOSES PARIENTE,
U. S. Consulate General Interpreter.

CRUELITIES BY SPANISH OFFICIALS.

An act of horrible and heathen atrocity has just been perpetrated only a narrow latitude beyond the borders of Europe at the instigation of a Christian power. It will be the less astonishing, however, when we record the fact that this atrocious outrage against all human nature was committed by an agent of the country of the inquisition—Spain. We call attention to it in order that, if possible, the Spanish government may be brought to disavow the crime of its representative, a crime worthy of the most savage and gloomy tyrant that ever occupied the throne of Constantinople, or wallowed through a sullen career of slaughter in the blood-stained capital of the Persian Shahs. The Spanish receiver general of customs at Saffi, on the coast of Morocco, recently died, and upon a mere whisper of scandalous suspicion his servant, a Jewish youth, only fourteen years of age, named Jacob Benionda, was accused of having poisoned him. There was no post-mortem examination; there were no medical authorities called in; there was no judicial investigation whatever. The Spanish consul, in a fit of Popish fury, instantly, summarily, and peremptorily demanded that the poor Hebrew boy, with three of his co-religionists should be arrested and condemned. Accordingly, submissive to the fiat of this execrable little despot, the child was seized and tortured, until amid the shrieks and groans of his agony some vague and in all likelihood involuntary expressions escaped him, which the gloating consul of Spain at once distorted into a confession of guilt, and he forthwith demanded that the miserable mangled victim should be prepared for death. It was done at his behest; this functionary of a Christian nation stood by while the unhappy boy, protesting to the last breath of life his innocence, underwent the appalling doom prescribed for him by the consul of her Most Catholic Majesty to the cities on the shores of Morocco.

If the enormity had ended here, all Europe might have been justified in protesting against a deed of vengeance and injustice so utterly inconsistent with the decency, humanity, and civilization of the age. But the Spanish consul was not yet satiated with blood. Much more torture and much more death were necessary to appease and glut his indignant spirit. There was a man named Benelous whom it was his pleasure to charge as an accomplice of the child whose body lay mutilated in a pool of blood at the place of execution. This unhappy man was first submitted to a tremendous infliction of the bastinado as it has been inflicted from time immemorial in the most barbarous regions of Asia. The effect of this torture on the flayed and bleeding soles of the feet is an anguish indescribable; and, as

we shall reiterate again and again, a Christian official was standing by to witness and aggravate its administration. But that did not suffice. Poor Benelous, over whose writhings the Roman Catholic functionary of Spain so unctuously presided, remained inflexible. The bloody rod would not abate his protestations of guiltlessness in the matter of the Spanish collector general's death. They next hung him up by the feet naked, and continued scourging him until, under the force of the blows, his body swayed to and fro like a pendulum. Still the miserable Jew persisted in declaring his innocence, with that of the youth and the two other men who had been impeached as his accomplices in a crime which had probably never been perpetrated at all. Then the bigotry of the Mohammedan reconciling itself with delight to the exulting and congenial fanaticism of the Roman Catholic, a third species of agony was invented for the deplorable victim. They thrust him, like *Regulus*, naked as he was, into a cask through the staves of which a thousand small and sharp nails inverted their lancet-like points, and, the barrel being violently rolled upon the ground, he endured a suffering which the human imagination fails to realize. At last, exhausted and maddened, delirious with pain, broken in spirit, and utterly reckless of results, he, to escape the terrible torture, shrieked out to his butchers something which they eagerly interpreted as a confession. The fate of the poor Jew was sealed. They dragged him to where the carcass of the young Benionda still lay shamelessly exposed, with a hundred traces of brutal cruelty upon it, and there a long, double-edged dagger was plunged, mercifully it may be said, from behind the left clavicle bone right through his heart, and the man was dead. [This is a mistake.]

Fancy, however, a Spanish gentleman, a Christian officer, a countryman of Cervantes, not only beholding, but urging on and insisting upon atrocities like these! Fancy him outdoing even the natural and hereditary barbarisms of Morocco, and that in the presence of a Spanish ship-of-war from whose mizzen flew a pennon which pretends to be the emblem of civilization! These acts ought not to pass without protest and execration. That boy and man were accused upon no evidence whatever, were literally tried upon the rack, were condemned by no legal tribunal, and were executed without having been judicially condemned. Suppose an English consul, upon a fanciful suspicion of some wrong done to a countryman, were to insist, in China, that a man should be buried up to his neck in the earth and bowled at, might he plead that such was the custom of the country, and that he was only exacting justice after the aboriginal fashion? We rather think that, if not hanged or condemned to chains for life, he would be permanently expelled from society; although we remember, with humiliation, that Cabrera has danced and been popular in English drawing-rooms. We may be reminded that there was an immense outcry, right or wrong, when Sir James Brooke began his crusade against the pirates of Borneo; but here we have the fiendish apathy of the savage executioner imported into Europe; for the Spanish consulate at Saffi, in Morocco, is virtually no less a part of Europe and beneath the jurisdiction of European and Christian law than Madrid itself. Both these laws, however—that of Europe, excepting Russia, and that of Christianity, with the same exception—have been flagrantly broken. And although the victims were two unfortunate and friendless Jews, belonging to a race which has not lately attracted very strongly the sympathies of the world, the flagitious conduct of the Spanish official was not mitigated by that fact. Spain, indeed, appears determined in isolating herself from among the progressing civilizations of the earth. The old gloomy rancor against religious liberty which once haunted the Escorial, and breathed itself forth in pitiful mutterings beneath those gorgeous cathedral roofs which an ignorant eye might deem dedicated to holier and nobler purposes, still haunts the stucco palaces in which Queen Isabella flaunts, despised and derided by the world. It was long ago said that she was the only continental monarch who would not dare to propose a visit to the pure Court of St. James. The teachings of her nefarious mother

have made her the scorn of humanity; but if the agents of her ministers are permitted to wreak abroad cruelties copied from the Red Indian school, a still deeper degeneracy will become the characteristic of Spain. Is it not enough that the Bible is persecuted and prohibited as though it were an emanation from the spirit of evil, that free worship is denied to Christians, and that an illiterate, intolerant, and merciless priesthood, drugged with the refuse of middle-age legends, tyrannize over a peasantry whose condition, under the sway of a woman and a mother, is exemplified by the fact that they share the acorns of the Valencian hills with the swine that are happier than they? Is it not enough that Spain is the barbarous paradox of Europe, and that in her present state her population might almost yearn backwards towards the day of Cid? The Spanish kingdom is a vast, solemn, and mournful ruin, whose very monuments of ancient splendor contrast with the squalid intrigues, the degraded morals, the lost place in Europe, and the famished industry of Spain, in the nineteenth century; but are we to witness, as a climax of this melancholy decay, the breeding of another Spanish race, which shall go forth, as of old, *in partibus infidelibus*, to play the parts of hangmen and torturers, and even improve upon the cruelty which at all times has characterized the tyrants of Morocco?—*Morning Advertiser*.

BOARD OF DEPUTIES.—ATROCITIES IN MOROCCO.

The board held a special meeting on Thursday, the 8th instant, at the vestry rooms of the Spanish and Portuguese synagogue, Bevis Marks; the president *pro tem.*, J. M. Montefiore, esq., in the chair.

The minutes of the last meeting having been read and confirmed, and the secretary having reported that £200 had, as a first instalment, been despatched to Turkey for the suffering co-religionists by the fire at Monastir,

The president explained that the meeting had been convened at an unusually short notice (24 hours) in consequence of a most urgent case detailed in the letter lying on the table. The Spanish original had been addressed to Sir Moses Montefiore, although intended for the board. It had reached the worthy baronet at his country seat, Ramsgate, in the course of the latter holidays; and its contents showing that not a moment was to be lost if the further execution of innocent men was to be prevented, he at once communicated with the Foreign Office, requesting Earl Russell to interpose in behalf of the innocent survivors in Morocco, condemned to death by the Spanish consul, and he had now the satisfaction of announcing that, in a prompt reply from the Foreign Office, Sir Moses was assured that telegrams had at once been forwarded to the proper officials in Morocco energetically to interfere in behalf of the prisoners. The meeting had been convened at the earliest day possible in order to ask it to ratify the steps taken by Sir Moses, and to adopt such additional measures as might be deemed expedient.

The secretary then read the translation of the Spanish letter, which was lengthy, and which gave minute details of the atrocities committed and of the fruitless steps taken by the Jewish communities and several consuls in order to induce the Spanish consul to delay the execution of the iniquitous sentence pronounced by him, until his government could be communicated with. The account of the cruelties resorted to by Señor Merry to extract from the prisoners a confession of the crime imputed to them, as well as the terrible and lingering death inflicted on them, extorted from this grave body a cry of horror, and, but for the irrefragable evidence lying before them, they would have been strongly disposed to disbelieve the statements made, as it was scarcely conceivable that the representative of a civilized nation could have indulged in such cruelties.

A vote of thanks was passed to Sir Moses Montefiore for his prompt action. It was further resolved to memorialize the Foreign Office on the barbarities committed on two innocent Jews at Tetuan, at the instigation of the Spanish vice-consul, and which were likewise detailed in the letter alluded to. It having transpired during the meeting that the lives of the two surviving prisoners in Morocco would be spared, in consequence of the representations made by Baron James de Rothschild, of Paris, to the Spanish government, it was resolved, before taking any further steps, to await additional information from Morocco, promised by the writer of the letter referred to. The meeting then separated.

We observe that we have omitted the various details given in the letter on the origin of these proceedings, and the means taken by Señor Merry to obtain his object, as we have, in another column, inserted communications addressed to us which give full particulars.

All accounts of these atrocities hitherto published by us have reached us through Jewish quarters, which may be suspected of partiality. We will, therefore, insert one emanating from a Christian residing at Mogadore, who gives it as he has heard it, evidently from those to whom the guilt or innocence of the prisoners is a matter of indifference. We may consider his version as that of Señor Merry's partisans. We will not alter one single word in it. Let our readers judge in how far Señor Merry's own version justifies his deeds. The Mogadore Christian writes: "A very shocking affair has occurred at Saffi, a town about sixty miles distant, which, if proved to be true, is very discreditable to the Jewish community of this country. The Spaniards have a Spanish collector of customs, and each port receives half-duties on account of the Moorish debt to them. In Saffi the collector was a gentleman about fifty years of age, and lately a colonel in the army. He resided by himself, having a couple of Jewish servants, one a lad of fourteen and the other a woman. It appears, so it is affirmed, that they conspired, with three or four others, to murder and rob him. They gave him arsenic, but as he, not liking the food, ate little of it, and it took no effect, they then gave him corrosive sublimate in some milk puddings, which effectually destroyed him: he died in three or four days. They have been taken on suspicion, and beaten. They then acknowledged and confessed to have been guilty. There are seven in prison—five Jews and two Jewesses. I think the authorities acted wrong in beating them till they confessed, as it is very likely the lash would make them confess to almost anything. The body ought to have been analyzed. They await the decision of the Emperor, at Tangiers. I expect they will be decapitated; but I believe there is a great deal of poisoning carried on in this country."

THE ATROCITIES ON THE COAST OF MOROCCO.

To the Editor of the Jewish Chronicle:

MY DEAR SIR: I have further details to hand on the tragedy and outrages at Saffi, Tangier, and Tetuan. I enclose translation of the copy of letter I read to you addressed by Messrs. S. Benhayon and Haim Labos from Tangier to Mr. Judah de Azar Serfaty, Gibraltar, whose hearts bleed at seeing our brethren of Morocco so much exposed to the repetition of scenes so awful and disgraceful. Poor Morocco Jews! their lot is most distressing, inasmuch as they are living in a country where the local government is quite a nullity. The Tetuan congregational committee are cautious how they complain; this, of course, arising from that timidity which is so natural to a people who have no rights to protect them and no laws to apply to for redress whenever they are so very roughly handled. They are now afraid of exciting the resentment of the Spanish representative at Tangier, or that of his subalterns along the coast, as these

have always opportunities to avenge themselves upon individuals. They are invariably acting most arbitrarily in that country, actually trampling upon sovereign rights. It is to be wondered that the representatives of Great Britain and France should show themselves so indifferent, and tolerate gross injustices so revolting to every feeling person. The general opinion, however, is, that if Sir John Drummond Hay, her Britannic Majesty's minister, had been at Tangier, perhaps these awful occurrences might not have taken place; but he was absent.

The Sultan is said to be a good and most affable person, and that he loves the Jews; but he is so weak-minded, and dreads war so much, that he cannot evince his sense of justice to the Jews when a foreign consul demands, with or without a cause, their punishment. He is in a most critical position, as it is said, "between the sword and the wall," especially as he has made it a rule to avoid the least imbroglios with foreign nations, thinking that by this policy he will obviate every possibility of aggressions upon his dominions by European powers. Some of the representatives, as well as their countrymen, whose mischievous propensities blind them, take advantage of this known weakness, and the former and the latter have become so many petty despots, and the evil-disposed never lack opportunities in which they make sad use of the uncontrolled power of their unscrupulous consuls to gratify their resentment by basely avenging the least pretended personal offences, forcing the local government, which is only their tool, to be the executive of their malicious machinations and artful devices. The Moors know nothing of the European machinery of justice, and literature and journalism are quite sealed books to them. This fact led the European powers to stipulate by clauses in their treaties with that empire, investing thereby their consuls with judicial authority in questions wherein their respective subjects might be concerned. But at present the native Jews have no appeal whatever for wrongs endured, nor any claims to fair play. Consequently they are openly trodden down with barefaced impunity by all parties, and their lives, liberty, and possessions are totally disregarded; naturally they live in constant dread. Even those Jews who are protected by consuls are likewise haunted by that fear, lest they should lose that protection by incurring the least displeasure of their protectors.

Hence they must adopt every mean artifice, if necessary, in order to ingratiate themselves, and thus obtain protection for their persons, families, and possessions. This frightful state of things, some believe, might be easily removed if proper measures were taken by the board of deputies for the establishment of a competent tribunal, composed of three or more of the consuls, for instance the English, French, and Italian, to take cognizance of important matters affecting the Jews, who would thus be relieved from that timidity which degrades them; and it would be the most efficacious check upon that tyranny and despotism created by the uncontrolled actions of some of the consuls along the coast, when Jews or even Moors are concerned, inasmuch as they are now perfectly irresponsible for the awful consequences arising from that unnatural assumed power so recently displayed, as we see it, in the tragedy of Saffi and Tangier, in which two lives have been sacrificed after enduring torments too harrowing to be detailed; and though dying innocently as they did, what redress can their bereaved and afflicted families obtain? Public opinion, no doubt, will be telling in this case, but it is necessary that the European press should take up the matter, and this will promote the endeavor to place the native Jews under the control of a properly constituted tribunal in cases, at least, where corporal or capital punishments are involved.

Yours, truly,

MANCHESTER, *October 11, 1863.*

H.

[Translation of letter.]

TANGIER, *September 27, 1863.*

DEAR SIR AND ESTEEMED FRIEND: By your letter to our friend, Mr. S. Benhayon, we are informed of the great zeal and warmth with which our countrymen have taken up the disastrous catastrophe which occurred on the 10th instant. [It was on the 13th.] Mr. S. Benhayon and myself have written to M. Cremieux, president of the Universal Israelitish Alliance, communicating to him all that has taken place. At the same time we acquaint you with the deeds of the minister of her Catholic Majesty, Sir Don Francisco Merry y Colon, who, knowing the weak points of the Moroqueen government, which has latterly succumbed to the force of arms, and which is smarting painfully from the payment of the indemnity, bends to everything that is asked for; and the consul, prompted by his pride, imposes capricious laws without justice, (and there are facts to prove it.) I shall speak out without reserve—these are the deeds of the people in charge of her Catholic Majesty's legation in this country; hence he demanded the immolation of those two victims against all law. The confession of these has been extorted by the rack, calling to mind the latter part of the 15th century, and resuscitating Fray Tomas de Torquemada, who has been dead 365 years. There are rumors to-day in Saffi and here that it is not certain that the collector died from the effects of poison, but from illness. There was no post-mortem examination, although two governments' surgeons were taken there for that purpose; but Señor Merry would not allow it, alleging that the prisoners had already confessed. The young man of fourteen years, Jacob Benyudah, confessed under *palos*, (lashes or cudgelling,) and, as he lacked experience, he caught at the offers of liberty that were made to him. He made six declarations, each different from the other. They did not take his tender age into consideration, but subjected him to a horrible death, mutilating his body.

The other atrocity is their having brought the second supposed criminal to be executed here, among a population which had not any complicity in the supposed crime. He confessed under the following tortures: 1. He suffered with fortitude and patience a great number of lashes, and without confessing. 2. He was hung with his head downwards, yet remained firm. 3. He was put into a box, with the points of nails inside, piercing his body. Under this infamous and fatal torture he shrieked in desperation, "I have killed ten, not one." This was taken as a confession, and he was sentenced to death. Horror! there must have been thirst for Hebrew blood.

Immediately, and without the loss of a second, after the unfortunate Elias Beneluz was executed, we took possession, almost *a viva fuerza*, of the body, head, and blood of our brother, having during the execution administered the religious consolation of the Shemang. As soon as Señor Merry knew this he sent a message to the governor, asking why he allowed the Jews to possess themselves of the executed so soon, when he ought to have left him cast on the ground, exposed to the public gaze, for at least two hours. This is, dear brethren, the clemency and grace to be obtained from the petrified heart of Señor Merry.

To corroborate the deeds of these employés, I shall tell you that at Tetuan, on the eve of Rosh Hashana, a robbery was committed in a shop belonging to a Spaniard, in which an old shoe was found. Señor Fantom, the Spanish vice-consul, repaired to the governor, demanding the punishment of the thieves. The governor sent for all Jewish shoemakers. On presenting themselves, he asked who made the shoe that was found. One replied, "Sir, it is mine." The governor dismissed the others and sent this one to prison. Then the vice-consul accused a young man, a Jew, who was formerly a servant to the Spaniard. He was produced and sent to prison. On Wednesday after Rosh Hashana they were taken to the meshuar, in the presence of the governor, who ordered the man to

say to whom he had sold the shoe, since he knew it was his own making. "Sir," he answered, "it is impossible for me to bring to recollection to whom I sold it, as I am an old man, and as I make many every day and sell them. It is impossible for me." The governor, not satisfied with this, nor the vice-consul either, and seeing that the young man made no confession, shut them up in the meshuar, and they were punished with the lash. On the report going abroad, the young man's father came to implore mercy in behalf of his son, but the soldiers at the gates opposed his entrance; and on his insisting, a soldier came up to him with a cudgel, and with one blow inflicted a severe wound on his head. The unfortunate man fell senseless to the ground, was thence taken to the hospital, and is said to be in danger.

Hasten, dear brethren, to use without delay, and with ardor, all the means that your intelligence may suggest. Do not depend on the gentlemen of this Junta. They do not possess the energy or unanimity so much required. They are full of dread lest they should come into collision with one or the other government. There being no unanimity for any purpose, the spirit evaporates, the energy is lost, and the affair dies out.

In us the Jewish blood boils, more so when we think of the blood of our brethren shed. God will help you, dear brethren, and we trust that the Lord of the universe will help you on in your good deeds, and from our home we shall pray for your prosperity.

We are your humble servants,

S. BENHAYON.
HAIM LABOS.

Señor Don JUDAH DE AZAR SERFATY.

CRUELITIES BY SPANISH OFFICIALS.

The first impression produced on our mind by the report of the proceedings of the board of deputies, and the perusal of the letter on the same subject, inserted in another column, is no doubt that which they will make on every one of our readers. We saw Spain as of old revived—cruel, fanatic, and panting after the blood of unbelievers. The spirit of the sanguinary *visigoths*, with its fierce war of extermination against the Jews, strode once more over the blood-stained soil of the peninsula, and, finding no longer victims at home, sought them on the coast beyond the Straits of Gades. It seemed as though Spain's darling institution—the inquisition—unable to gratify again the eyes of the faithful with the pleasing sight of racked and burnt heretics either in Europe or America, had transferred its seat to the country of the Moors, and there commissioned Torquemada Redivivus to renew his atrocities. It seemed all but impossible to believe that the representative of a power within a few hours' sail from his government should have dared, on his own authority, to torture and butcher persons accused of a crime for which there is not a tittle of evidence, save the admission extorted by the rack from the prisoners, and for the commission of which no reasonable motive could have existed. Yet, on the other hand, how is it conceivable to suppose that these crimes against helpless individuals should have been sanctioned by a government which only four short years ago evinced so much humanity toward Jewish fugitives from the same coast, who sought, and found, temporary safety on Spanish ground, and which so efficiently protected the Jewish inhabitants of Tetuan while the city was occupied by its troops? By what process of reasoning can be reconciled the line of conduct pursued by the same government in releasing from their confinement Spanish subjects guilty of the crime of having propagated heresy at home, with that prescribing the extermination

of unbelievers abroad, who never owed allegiance to the Spanish crown? Would it not be sheer madness, in a great nation just emerging from an unparalleled state of prostration and barbarism, the consequence of the terrible crimes of the past of which it is now conscious, striving hard for its rehabilitation, and taking again its stand by the side of Europe's mightiest states, to rouse the indignation of the civilized world by misdeeds that might throw doubts on its resolution to break forever with the ignominious past, and represent all its modern enlightened institutions as a mere sham, as a slight varnish intended to conceal the dark ground-color, and thus to alienate from it that public opinion which within the last few years began to veer round, and to believe in the extinction of the race of those delighting in the shrieks of men and women—ay, of youths and maidens—expiring in the flames?

In this perplexity of deciding whether the Spanish representative at Tangier, in enacting the tragedy described elsewhere, proceeded on his own sole personal responsibility, without communicating previously with his government, or turned torturer and murderer by direct orders of his superiors—there being no *tertium medium*—we prefer the former explanation, presenting as it does less insuperable difficulties than the second alternative. Individual fanatics, even in authority, have unfortunately existed under liberal governments even in modern times. Some twenty-three years ago the chief agent in the atrocities then perpetrated on innocent Jews in another Mahometan city, through the instrumentality of a Mahometan court of justice, was the representative of enlightened France. If Damascus had its Ratti-Menton, who, armed with the power of the mighty nation represented by him, lashed, racked, and tortured to his heart's desire, until he extorted the confession of the murder of a man of whom it has never been proved that he was murdered, why should not Tangier be afflicted with a Merry, following in the same bloody track in order to avenge the death of a man of whom it has not even been shown that he died by any other means save the visitation of God? There is a circumstance inclining us still more to the alternative adopted. The Spanish government, at the intercession of Baron James de Rothschild, through its ambassador at Paris, we learn, at once interposed, ordering the lives of the two prisoners, still in the power of Señor Merry's Moroqueen hangman, to be spared. It is not likely that the Spanish government would have so quickly complied with the request of the Baron had the execution of the two murdered prisoners taken place by the direct order of his superior authorities, as stated by Señor Merry to his colleagues of Italy, France, and England, when they urged him to defer the carrying out of the iniquitous sentence pronounced by him until the ministry could be communicated with.

But this explanation proposed by us, however plausible, must remain a conjecture as long as the Spanish government does not express by an overt act its disapprobation of the proceedings taken by its representative, washing its hands publicly of the innocent blood shed by him, and which cries up for vengeance from the ground which has opened its mouth to receive it. If the Spanish government wishes to clear itself from the very suspicion of having in any way participated in this terrible crime—if it wishes convincingly to prove that the order to spare the lives of the two survivors, still in prison, is not the consequence of second thought, of a vague dread of Europe's public opinion horrified at such deeds, reminding of the darkest century of the dark middle ages—it cannot allow matters to rest where they are; it cannot, for its own credit, but institute a rigid inquiry into the proceedings taken by its representative, and cannot but preliminarily remove him from a post which he has so sadly disgraced, for which he has proved himself so wofully incompetent, and which, if he be permitted to retain, would unfortunately offer to him such a vast field for other outbursts of his fierce fanaticism. These are matters of the utmost gravity, deserving the earnest consideration of the Spanish government. But the families of the victims of its representative have also a duty to perform. They are most concerned by

the crime committed ; they are the chief sufferers. They are, therefore, primarily called upon to vindicate the cause of justice, to protect their community from similar atrocities, and to obtain for themselves compensation, in as far as pecuniary compensation can atone for the terrible wrong inflicted.

Señor Merry is a Spaniard, and as such amenable to the law of his country. We are not acquainted with this law. But as the country of a civilized nation, claiming kindred with the civilized nations of the earth, it must be governed by a code which offers the innocently persecuted legal means to call the wrong-doer to an account, and to obtain redress for just grievances. Surely the Spanish law cannot permit a man to be charged with poisoning when there is no proof that anybody has been poisoned. Surely the Spanish law does not permit a prisoner to be tortured, in order to extort a confession ; nor can it receive such a confession as evidence, and still less inflict capital punishment on such evidence. All this, however, Señor Merry has done. His own will has been a law to him, for he has set aside both the procedure of the country in which he is, and of that which he represents. Surely the circumstance that these atrocities were not enacted on Spanish soil cannot insure to him impunity, and still less so the fact that he commissioned Moroqueens, and not Spaniards, with the perpetration of the crime. Spain has a law, and by this he must be judged. Our earnest advice, therefore, to the families of the victims is to appeal to the law. This may be expensive ; but the congregation of Tangier offered to pay to the Spanish consul any sum he might ask as a ransom for the lives of the two murdered persons. Let the sum which the congregation was ready to pay as a ransom be employed in the legal proceedings which we advise. And if an appeal by the families of the victims were made to Europe, we have no doubt but it would be responded to. The necessary funds for defraying the cost of the trial would be forthcoming, and contributions might even be expected from liberal-minded Spaniards. We should not be afraid of the issue of such a trial. We have full confidence in the sense of justice of the Spanish tribunals, which would thus have an opportunity afforded for vindicating the national character, and wiping out the blot with which the lawless proceedings of the representative of the country has stained it.

But even if, contrary to all expectations, the course of justice should be obstructed, the criminal protected, and the innocent condemned, the attempt at seeking redress would not be without advantage ; for there is a tribunal higher than any court of justice, which can neither be blinded by corruption, intimidated by dictates of tyranny, nor misled by the sophisms of special pleadings. This tribunal is the supreme court of public opinion, which, heedless of any other sentence, would decide that a man who in the second half of the nineteenth century accuses before it has been proved that a crime was committed, tortures in order to extort a confession of guilt, condemns on such evidence, and at last kills in virtue thereof, is, in the eyes of God and the laws of all civilized nations, worse than he that should waylay his victim, pounce upon and assassinate him. No amount of evidence brought forward after the deed could justify the deed itself, since every man must be held as innocent until he has been proved guilty by the laws of the country which judge him ; and no amount of evidence brought forward after the deed would be free from the grave and well-founded suspicion of having been moulded, twisted, and perverted, if not devised for the very purpose of justifying the crime. The verdict of public opinion, therefore, could not be doubted. Such a trial, whatever its issue, would further serve as a check upon the lawless proceedings of unprincipled Europeans, in authority or not, who we are assured, as matters now stand on the coast of Morocco, but too often work on the fears of the Moors, using them as tools, in order to lord it, for purposes of their own, over the unfortunate Jews. These Europeans would find that, although not amenable to the laws of Morocco, they can yet be reached by those of their own country, and the wholesome dread that it might not

always be to the interest of their country to throw over lawless men the mantle of her protection would not lose its effect.

In whichever aspect, therefore, we regard the counsel which we tender our Moroqueen brethren, we cannot but earnestly urge it on their attention. Their own government would have no reason to prevent them from pursuing a course which their own safety requires, which liberal Europe would applaud, and in which they might look forward to the energetic support of all friends of justice, and of all enemies of fanaticism, be they Jews or Gentiles.—*Jewish Chronicle and Hebrew Observer*, October 16, 1863.

Mr. McMath to Mr. Seward.

No. 16.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Tangier, January 12, 1864.

SIR: I have the honor to acknowledge the receipt of your despatch, No. 9, dated 14th November last, and, in pursuance of instructions therein contained, I informed the Moorish minister for foreign affairs that the President was entirely satisfied with the royal order issued, in the name of his Majesty the Sultan, relative to vessels of the insurgents visiting the ports of Morocco. As soon as the royal order reached the bashaws of the ports, they at once informed our vice-consuls that, should the occasion require it, they would be ready and willing to carry the order into effect.

Your despatch, No. 10, dated December 9, last, with enclosures, reached me on the 7th instant. Before it came to hand, Sir Moses Montefiore, baronet, of London, had, with the sanction of Earl Russell, it is said, visited Madrid, and obtained from the minister for foreign affairs instructions to the Spanish minister in this city to demand from the Sultan the immediate liberation of the two unfortunate Jews who were implicated with the two Jews so barbarously executed for the supposed poisoning of the receiver at Saffi, and, I am glad to say, his Majesty has set them at liberty. Sir Moses visited Tangier, and after remaining here ten days went to Gibraltar, at which place he embarked on one of her Britannic Majesty's frigates for Mogadore, en route to Morocco city, to have an interview with the Sultan on the condition of the Jews in the empire. T. F. Reade, esq., her Britannic Majesty's consul in this city, accompanied him as interpreter. I beg to enclose a printed copy of the instructions given by her Catholic Majesty's government to her Catholic Majesty's minister and consuls in this country in reference to the future treatment of the Jews in this country. Her Britannic Majesty's minister, and the Italian and Portuguese consuls general have also received instructions from their governments of a like character.

Whether the Jews apprehended a general crusade against themselves on account of their religion, or acts of injustice from any other cause, after the horrible occurrence which took place at Saffi, resulting in the execution of two of their race, without the least shadow of proof of guilt or that a crime had been committed, they were clearly justified, in my opinion, in appealing to the liberal nations of Europe, and to our own, for an amelioration of their unfortunate condition in this country. In view of all the circumstances connected with the late occurrence at Saffi, and upon the authority of your instructions, at the same time exercising the greatest care for the just rights of all concerned, I believe it to be my duty, in the name of humanity, to exert my influence with his Majesty's government to prevent any injustice to this race.

Your circular, No. 43, dated 28th November last, has been received.

I have the honor to be, sir, very respectfully, your obedient servant,

JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,
Secretary of State.

THE MISSION OF SIR MOSES MONTEFIORE.

Sir Moses Montefiore, who has been staying for some few days in Gibraltar, is about to proceed to Saffi, one of the ports of western Barbary, whence he will travel into the interior to have an interview with the Sultan. We subjoin an extract from a circular addressed by the Spanish minister to the consular agents of his government in Morocco, which shows that Sir Moses Montefiore has been completely successful in his mission. The execution of two Jews, and the condemnation to death of two others, in connexion with the death of the Spanish collector at Saffi, was the cause of Sir Moses Montefiore's journey to this quarter of the world. The Spanish authorities believed that the collector was designedly poisoned; the Jewish population of Barbary was firmly convinced that his death was the result of natural causes, and in the subsequent proceedings, which it is not necessary again to detail, the Jews of Morocco saw only a persecution of their race. They therefore appealed earnestly for help to their co-religionaries in Europe. It will be seen that the Spanish government indignantly repudiate the notion that the action of their authorities in this matter was prompted by a feeling of hostility towards the Jews in Morocco, and they denounce as calumnious everything which has been written in that belief. We stated on a former occasion that the prevailing impression on the minds of the Jews, that they were the objects of systematic persecution, was no doubt a mistaken one, and we are glad to see that the Spanish government have now taken the best and most effectual means of removing the erroneous opinion by enjoining their consuls and vice-consuls in Morocco to use their influence for the defence and protection of the Jews against cruelty and injustice from the Moorish authorities.

The object which Sir Moses Montefiore hopes to accomplish by his personal visit to the Sultan is, doubtless, to obtain some improvement in the social *status* of the Morocco Jews. The fact that his humane mission is supported by the governments of Christian Europe will, no doubt, powerfully contribute to its success. Every one who desires to see a good cause prosper must sympathize with Sir Moses Montefiore in his generous and self-sacrificing endeavors to benefit his fellow-creatures, and must heartily wish that he may safely pass through the fatigues and perils of a land journey in Barbary in mid-winter, which he is about to encounter at an advanced age, and return to England with the satisfaction of having perfectly succeeded in the object which drew him from his country.

Extract from a circular addressed by his excellency Señor Don Francisco Merry y Colon, resident minister of her Majesty the Queen of Spain at Tangier, in the empire of Morocco, to the consuls and vice-consuls of Spain at the ports of that empire, and with a copy of which his excellency Señor Don Francisco Merry y Colon kindly favored Sir Moses Montefiore, bart., at Tangier, on Sunday, the 10th Tebeth, 5624, (20th December, 1863.)

“CIRCULAR Á LOS CÓNSULES Y VICE-CÓNSULES DE ESPAÑA EN LOS PUERTOS DE MARRUECOS.

“El gobierno de S. M. la Reina ha visto con el mayor desden las calumnias groseras que han sido dirigidas contra España suponiendo que los cónsules de España en Marruecos habian emprendido una cruzada contra los Israelitas establecidos en este Imperio.

“Estas calumnias no deben influir en nada en el ánimo de Vd., ni deben ser causa de que los agentes de España en Marruecos alteren su proceder respecto á los Hebreos ni dejen de ampararlos y protegerlos. Al contrario, el mejor modo de contestar victoriosamente á tales calumnias, es aumentar la solicitud por esta raza que en tan triste situacion se halla en este pais.

"Así es que Vd. deberá aprovechar cuantas ocasiones se le ofrezcan para evitar actos de crueldad por parte de las autoridades Marroquies contra los Hebreos, y aun en casos de injusticia notoria y cuando se les quiera imponer el suplicio de los palos para que declaren sobre cualquiera asunto, interpondrá Vd. resueltamente su influencia cerca de la autoridad local para evitar que se cometan actos de barbarie.

"Dios guarde a Vd., &c.a.

[Translation.]

"The government of her Majesty the Queen has seen with great displeasure the gross calumnies which have been written against Spain, in the belief that the Spanish consuls in Morocco have undertaken a crusade against the Israelites established in this empire.

"Such calumnies must not in the least influence your feeling, nor ought they to cause the agents of Spain to alter their course of proceeding respecting the Hebrews in Morocco, or to cease supporting and protecting them.

"On the contrary, the best mode of replying successfully to such calumnies is by increasing your solicitude for this race, which is so sadly circumstanced in this country.

"Thus you will avail yourself of every occasion which may arise to prevent acts of cruelty on the part of the Moorish authorities against the Hebrews, and also in cases of notorious injustice, and; when it is in question to inflict the punishment of the lash, you will resolutely interpose your influence with the local authorities to prevent the commission of such acts of barbarity."

The executive committee of the Jewish congregations in Tangier desire to publish the following expression of their gratitude to Sir Moses Montefiore for his generous and successful exertions on behalf of the Jews in Morocco:

"We, the executive committee of the Jewish congregations at Tangier, having accompanied our honored and venerable patriot, Sir Moses Montefiore, baronet, to Gibraltar, are unwilling to lose the opportunity of giving a public expression to our thanks, and of recording our conviction that his visit to the empire of Morocco has already been productive of a most important influence, and that there is much reason to hope that great and permanent benefit to our co-religionists in that part of Africa will result from it.

"Leaving home with the cordial support and countenance of the government of her Majesty the Queen of England, Sir Moses Montefiore had the gratification of a gracious reception from the Queen of Spain and from many of the highest personages of her court. The many distinguished introductions with which he was furnished were powerfully seconded by the conciliatory character of his own personal influence. Hence the object of his mission, for which we are deeply indebted to the board of deputies of the Jews in England, not merely obtained the prompt and warm support of the English minister, our proved friend his excellency Sir J. Hay Drummond Hay, K. C. B., but also that of the other representatives of foreign powers, amongst whom the Spanish minister, his excellency Don F. Merry y Colon, must be specially named, as, by direction of his government, he promptly circulated to his subordinates, the Spanish consuls and vice-consuls in Morocco, a code of instructions admirably calculated to secure our brethren from any repetition of the unfortunate occurrences which have recently inflicted upon them so much suffering and alarm. The influence of the representatives of the other foreign powers will likewise be cordially employed for the same purpose. The good will of our Sultan, already felt to be in our favor, cannot fail to be strengthened and secured by the visit which our venerable champion is on the point of paying to the court of Morocco, where he will have the company and support of our friend the British consul, T. F. Reade, esq.

"We think it needless to enter into further details respecting Sir Moses Montefiore's movements, of which, in due time, an official report will appear; yet it would not be doing justice to him or to our feelings were we to omit to state that, besides making various munificent donations of a charitable character, in which the poor of all classes and sects in Tangier participated, he took a most important step for the promotion of female education by inducing the principal Israelite ladies in that city to institute and themselves superintend a school for the poor girls of our community, bestowing the generous gift of £300 to secure the speedy commencement of this most desirable undertaking, and to connect with it the memory of his late lamented wife, the amiable and excellent Lady Judith Montefiore.

"May the Almighty still lengthen out the days of our honored friend and benefactor, preserving him to his country and to his brethren of the family of Israel, and bestowing his choicest blessings upon him."

Mr. McMath to Mr. Seward.

No. 19.]

CONSULATE OF THE UNITED STATES OF AMERICA,

At Tangier, Morocco, March 26, 1864.

SIR: I have the honor to submit to your excellency the enclosed form of a treaty, proposed by his Majesty the Sultan to all the foreign nations represented in Morocco, in reference to a light-house, erected by his Majesty's order, on Cape Spartel, at the entrance of the Straits of Gibraltar from the Atlantic; and also the form of the regulations for the control and administration of the same, (see enclosures Nos. 1, 2.) The utility of this structure cannot be denied, nor its value to the commercial interests of all nations trading in the Mediterranean estimated; and it is to be hoped, through its agency, we will hear no more of shipwreck and loss of life and property on that part of the African coast upon which it is situated. But as this is not a maritime nation, and in fact has only a comparatively small commercial interest with the nations of Europe, and I may say none with America, his Majesty the Sultan desires, upon its completion, that his expenditure on its account should cease; and, therefore, he proposes to all the foreign powers represented in Tangier to enter into a treaty with each, or as many as may be willing, to place the control and administration of the light-house in the hands of those nations authorizing their representatives to sign said treaty, and the signing powers each on their part to contribute annually, in advance, their proportionate share of the expenses incident thereto; such share to be determined in the ratio of their respective commercial interests in the Mediterranean and on the coast of Morocco. It will be seen that the minister for Spain offers a substitute for the first article proposed by the Sultan. With the exception of the substitute offered, it will be understood by the department the forms of the proposed treaty and regulations meet the general but unofficial approval of the entire diplomatic corps.

That functionary has also proposed that each signing power shall pay an equal sum toward defraying the expenses of illuminating the light-house, instead of each paying in the ratio of their respective interests as above named. On the latter basis Spain would rate third, or perhaps fourth, in the scale of commercial interests.

It will be seen from the proposed regulations that 15,000 francs at most is the estimated expense per annum of illuminating, &c., the light-house.

There are twelve nations represented in this country, and it cannot be supposed for a moment that all will contribute to this purpose. My own opinion is, that Great Britain, France, and Italy will at once consent, and Spain will also, but only upon the condition that the substitute offered by their official will be accepted by his Majesty the Sultan and the signing powers. The first article proposed by the Sultan prohibits a cession of the light-house to any power. This will be objectionable to Spain, as it conflicts with her dreams of conquest on this coast; and besides, the signing powers will be bound by the same article to guarantee "*au Sultan l'intégrité territoriale et la propriété du phare;*" and to such an arrangement Spain will not, in my opinion, agree.

The enclosures were drawn up by the chargé d'affaires *ad interim* of France, and with the approval of M. Bargash, Moorish minister for foreign affairs, and I have taken the liberty to transmit them in the same language in which I received them, retaining, however, a copy for the use of the consulate, for I deemed it of too much importance to trust any translation that I could furnish.

I confess myself unable to discover upon what principle my government, having no commercial interest in this country, ought to contribute to the perpetual maintenance of a light-house on this coast any more than the South American republics and other nations that have no trade with Morocco.

I would be pleased to receive instructions from the department at the earliest practicable moment. Sixty days' notice will be given to me of the time fixed for the illumination of the light-house, and I will at the earliest moment communicate the same to the department.

I have the honor to be, sir, very respectfully, your obedient servant,
JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Project of convention between his Majesty the Sultan of Morocco and the maritime powers which shall desire to take part in maintaining a light-house at Cape Spartel.

ARTICLE 1.* The Sultan engages with the signing powers that he will always retain under his sovereignty the light-house constructed at Cape Spartel, and will not under any pretext cede it to any soever. On their side the signing powers guarantee to the Sultan the territorial integrity and ownership of the light-house.

ARTICLE 2. In case of war, be it intestine or foreign, the Sultan engages to make every effort to secure the maintenance of the light-house and the safety of those there employed.

ARTICLE 3. It is expressly understood that the flag of Morocco shall be the only one hoisted on the light-house, and that any signal, whether by day or night, is completely interdicted. In case of war, whether between Morocco and one of the signing powers, or between the signing powers themselves, the stipulations contained in this article maintain all their force, and cannot upon any pretext be changed.

ARTICLE 4. In conformity with the wish expressed by the government of Morocco, and in the interests of navigation, the Sultan remits the management and chief direction of the light-house to the representatives of the signing powers. He will engage only to furnish for the safety of the light-house a guard composed of one kaio and four soldiers.

ARTICLE 5. The government of Morocco not having at present either naval or mercantile marine, the expenditures needful for the maintenance and management of the light-house shall be borne by the signing powers, by means of an annual payment proportional to their navigation.* If in the future the Sultan should become possessed either of a naval or mercantile marine, he engages to contribute to the expenses like other signing powers.

ARTICLE 6. In case of war between Morocco and one of the signing powers, the latter engages to continue the payment of its contribution as required by article 5.

ARTICLE 6. The Sultan having remitted to the representatives of the signing powers the chief management of the light-house, these representatives are charged to establish regulations necessary to that administration.

* Proposed by the minister of Spain. The light-house constructed at Cape Spartel is under the sovereignty of the Sultan of Morocco, and remains neutral.

* Proposed by the minister of Spain. By means of an annual equal payment by each.

[Translation.]

Project of an arrangement for the upholding and management of the light-house erected on Cape Spartel.

ARTICLE 1. The representatives of the signing powers assembled in council have under their responsibility the chief direction of the upholding and management of the light-house. The presidency shall be exercised in turn, on the list, and from month to month, or for a term, which shall be ulteriorly fixed upon.

ARTICLE 2. The president shall convoke the council every time when he shall have any question to submit to it concerning the management of the light-house.

ARTICLE 3. A secretary-treasurer, named by the council and selected from among the officers of the signing powers, shall be charged with the archives, the correspondence, and the management of the funds.

ARTICLE 4. Two inspectors, taken from among the officers of the missions of the signing powers, shall be designated by the council for the purpose of inspecting twice or several times a month the light-house establishment, and checking the regular books, verifying the supplies, hearing claims, complaints, or remarks of the keepers, and transmitting them to the president.

ARTICLE 5. There shall be at the light-house a principal keeper, appointed by the council. In view of the importance of the functions attributed to this foreign employé in a foreign country, he shall not be chosen except from a nation having in Morocco none but commercial interests.

ARTICLE 6. The principal keeper is responsible. His duties consist in watching over the strict execution of the rules which shall be given him by the council.

ARTICLE 7. Two other keepers, also appointed by the council, shall act conjointly with the principal keeper in the service at the light-house.

ARTICLE 8. These employés cannot be taken but from among Christians, and cannot be removed but by the decision of the council.

ARTICLE 9. The caïo and four soldiers furnished by the Sultan for guard of the light-house shall be under the immediate direction of the council and paid on the budget of the light-house.

ARTICLE 10. The budget of the light-house is fixed at the sum of 15,000 francs at the most.

ARTICLE 11. The contributions of each of the signing powers shall be paid in advance into the hands of the treasurer. The handing over for this year shall take place two months before the illumination of the light-house. The handing over in following years at least one month before the discussion of the budget.

ARTICLE 12. The treasurer shall every six months render account of his management to the council.

ARTICLE 13. In the month of December in each year the council shall discuss and settle the budget for the year following.

Mr. McMath to Mr. Seward.

No. 21.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Tangier, April 21, 1864.

SIR: I have the honor to inform you that on the 17th instant I received a confidential communication from the United States consul at Gibraltar, informing me information had come to his knowledge which had led him to suppose

that Mr. R. O. Joyce, a merchant in that city, who acted as the pretended agent of the rebel steamer *Sumter* while in that port, intended to send to Mogadore the five guns which were taken out of the *Sumter* and stored in a hulk in that bay. The consul could not ascertain on whose account Mr. Joyce intended to tranship the guns to Mogadore.

I at once called on the acting Moorish minister for foreign affairs, and informed him I had learned the five guns formerly on board the rebel steamer *Sumter*, but now lying in a hulk in the bay of Gibraltar, were about to be sent to Mogadore, but on whose account I could not learn, and inquired of him if an agent of his Majesty the Sultan had bought them on government account. The minister replied that he knew nothing about the transaction, but would write at once to the Moorish consul at Gibraltar, and ascertain if the guns had been bought for the Sultan. I then informed him the guns were, in fact, the property of the United States; and while we could not object to the purchase of guns by the Sultan from rightful owners, yet, with reference to these particular guns, I wished to inform him, as soon as they were landed on the coast of Morocco, I would demand their lawful seizure as the property of my government, and if this information was communicated to the Moorish consul he might prevent their shipment. On the 20th instant the minister informed me he had just received information from the Moorish consul that an English merchant had offered to sell him the guns on account of the Sultan, to be delivered in Mogadore, but since a difficulty was apprehended from the purchase and shipment, he would neither buy nor permit them to be sent to the coast of Morocco. My opinion is, the consul had bought them for the Sultan.

The Koran prohibits the "true believers" from effecting an insurance on any articles shipped by them. To avoid this prohibition, the Sultan purchases on the condition of the delivery of the article on the coast of Morocco. The pretended agent had in a very quiet manner offered to pay \$100 to the master of a vessel if he would deliver the guns in Mogadore. This leads me to believe they had been bought by the consul. I presume the English government would not have interposed any objection to the sale of the guns, and their shipment to Mogadore on account of the Sultan, if Mr. Joyce had given bond for the delivery of them to the authorities of the Sultan at that port. It is not probable a private individual could succeed in getting the guns away from Gibraltar, or that they will again be used for destructive purposes by the rebels; and any other than this government would not buy them. While lying in the hulk in Gibraltar bay they cannot be of any benefit to the rebels, neither can they be used to our injury; but if sold, the consideration would be directed into a channel which might, in all probability, injure the government, and materially benefit the rebels. Wherefore, I believed it to be my duty to prevent the sale of them to this government.

I have the honor to be, sir, very respectfully, your obedient servant,
JESSE H. McMATH.

HON. WILLIAM H. SEWARD,
Secretary of State of United States of America.

Mr. McMATH to Mr. Seward.

No. 22.]

CONSULATE OF THE UNITED STATES OF AMERICA.

Tangier, July 1, 1864.

SIR: I have the honor to transmit herewith to the department a copy of the translation of a note from the Moorish minister for foreign affairs, informing me that his Majesty the Sultan has removed the restrictions imposed on trade in the interior markets of this country. By an agreement between the Sultan and foreign representatives in this country, communicated to the department in my

despatch, No. 6, dated 19th November, 1862, merchants were prohibited from going to markets in the interior to buy wool and cereals, but were permitted to purchase *only* in the markets of seaport towns. This restrictive agreement paralyzed trade, and operated greatly to the prejudice of Christian merchants, and at the request of the foreign representatives the agreement has been rescinded, and no restrictions other than those imposed by treaty are now in force.

Your despatch, No. 11, dated May 9, last, and circulars 46 and 50, have been received.

I have the honor to be, sir, with great respect, your obedient servant,
JESSE H. McMATH.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Bargash to Mr. McMATH.

[Translation.]

Praise be to the one God!

To our beloved and wise friend Jesse H. McMATH, esq., United States consul general: We are always making inquiry regarding your welfare and praying God you are well.

I have to inform you that our master the Sultan, protected by God, has acceded in planning free commerce in conformity with treaty stipulations, and it is my duty to inform you thereof; and peace!

On 9th Muharram, year 1281, equal to 12th June, 1864.

The employé of the elevated throne,

MOHAMED BARGASH.

Mr. McMATH to Mr. Seward.

No. 23.]

CONSULATE OF THE UNITED STATES OF AMERICA,

At Tangier, Morocco, September 2, 1864.

SIR: I have the honor to inform you that the light-house constructed by order of his Majesty the Sultan on Cape Spartel, at the entrance of the Straits of Gibraltar from the Atlantic ocean, will be illuminated on the 30th day of the present month, or the 31st day of October. For location, description, &c., see enclosure No. 1. The agents of foreign powers residing here agreed, on the 1st instant, to illuminate the light-house on the 30th instant, but inasmuch as the Moorish minister is unable to give me sixty days' notice in advance of illuminating the same, as required by me in a note to him under date of the 4th of February last, by reason of the action of those agents fixing a shorter time, I gave him notice of a formal protest for all damages which might occur to our ship ping on the coast of Morocco within the period of sixty days from the 1st instant, arising from the illumination of said light-house, and of which light our masters of vessels would be ignorant, in consequence of the shortness of the notice. The time is sufficient for all the European governments, because of their nearness to this country, but, as I informed the Moorish minister last February, I required sixty days' notice, because of our great distance from this country and the length of time it would require me to inform my government of the establishment of said light. Some time since the majority of my colleagues gave to their governments what they call a preliminary notice, "that the light would be fixed during the month of September." I received no such notice, neither from them nor the Moorish minister, and I am informed by the consul general of

Sweden that he received no such notice, and we, above all others, should have had ample notice, because our governments are further off than any others taking part in the maintenance of the light. Upon learning from the Moorish minister the difficulty he was in with respect to my demand, some of my colleagues, and particularly the ministers of France, England, and Spain, have written to their governments, informing them that I had heretofore required of this government sixty days' notice, and from the fact that preliminary notices had been published in their respective countries that the light would be fixed during the month of September, they had named the last day of the month for illuminating, in pursuance of the preliminary notice before given, but, if instructed by their governments, they would not illuminate until the 31st day of October, which would, as they claim, but I deny, be equivalent to sixty days' notice to me from the Moorish minister. Wherefore, I am compelled to give the notice to the department in a conditional form, in order that notice, by publication, (if such be the rule of the department,) may be given at the earliest moment. My reason for requiring sixty days' notice from this government will become apparent to the department when it is considered that, from the peculiar location of the Cape Spartel light, it might unsuspectingly be taken, by masters of vessels approaching the western entrance of the Straits of Gibraltar from the Atlantic, for the Cape Trafalgar light, on the coast of Spain, and masters would, in the absence of notice of the existence of the Cape Spartel light, bear south with their vessels, at the time believing that the Cape Spartel light was the Trafalgar light, and the result would inevitably be destruction of life and property on the Morrocco coast. Hence I believed duty required me in the interest of navigation to demand ample notice, so that the department could give all interested due notice of the light on Cape Spartel. If any damage shall be done to our shipping within sixty days by reason of said light, I will make formal protest against this government, and leave the department, after being fully informed thereof, to determine what further steps shall be taken. In a legal point of view, the foreign agents, although instructed to take part in the control, &c., of the light-house, have no right to fix the time of illuminating the same, without first obtaining the consent of the Moorish government, and this they did not get, or, at least, on the 18th instant the Moorish minister informed them he could not consent to the 30th of September, because he wished to give me sixty days' notice. The Sultan now proposes a new article to the treaty, which will give him the right to levy light-house dues on all ships visiting his ports, but, at the same time, each signing power is asked to pay a fixed sum annually for keeping up the light. We have intimated to the Moorish minister that we will not agree to double duties. He will shortly visit the Sultan to confer with him on this subject. The greater part of my colleagues will also visit the Sultan within a month, as they are required by their governments to go to the court at least once in each year. I think some time will elapse before we will all be ready to arrange definitely the form of the treaty; where there are so many parties to consult, delays must necessarily occur. A part of my colleagues who have been authorized to take part in the control of the light-house have received from their governments letters plenipotentiary; and others, being at first authorized in the same manner that I have been by your despatch, No. 12, dated 27th June last, have written to their governments for full powers also, to put them on an equality in this respect with the agents of France, Spain, Italy, and Portugal. I submit to the department whether it would not, in view of the fact that all of my colleagues will receive full powers, be as well for me to be in possession of the same from my government. Her Britannic Majesty's minister resident received instructions of the tenor of my own, but has written to his government for "letters patent," in order that he may be on a perfect equality with others. In my opinion an agreement simply would have been quite sufficient between this gov-

ernment and the several powers taking part, but it appears that the minister for France has been required to take a more formal step, and other agents are willing to follow the example.

I have the honor to be, sir, very respectfully, your obedient servant.

JESSE H. McMATH.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

[Enclosure No. 1.]

CAPE SPARTEL LIGHT-HOUSE.

The geographical position, elevation, and reach of the Cape Spartel light-house is as follows: latitude (north) $35^{\circ} 47' 14''$; longitude (west) $8^{\circ} 15' 50''$ meridian of Paris.

Elevation above the ground 24 metres; elevation above the sea 95 metres; reach (portée) 20 miles.

It is surmounted with a fixed light, circular train, of the first class, and will be illuminated on the 30th day of September or the 31st day of October, 1864.

Mr. McMath to Mr. Seward.

No. 24.]

CONSULATE OF THE UNITED STATES OF AMERICA,

At Tangier, Morocco, October 6, 1864.

SIR: Referring you to my despatch, No. 23, dated September 2, I now have the honor to inform you that the minister for France this day invited the agents of Christian powers to his hotel, and informed them that his government could see no reason why the light-house was not illuminated on the 30th ultimo, and instructed the minister to confer with his colleagues and arrange with them to illuminate at an earlier day than the 31st of this month. The minister suggested the 15th instant, which was agreed to by the agents of nine powers. To this I dissented. The light-house will be illuminated on the 15th current, and before this despatch reaches you. Ten powers, I am informed, have instructed their agents to take part in the control and maintenance of the light.

I have the honor to be, sir, very respectfully, your obedient servant,

JESSE H. McMATH.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

TUNIS.

Mr. Perry to Mr. Seward.

[Extract.]

No. 5.]

UNITED STATES CONSULATE,
Tunis, July 4, 1863.

SIR: I have the honor to report that a loan spoken of in a former despatch was made to the Tunisian government by the bankers, (Messrs. Erlanger & Co.,) favored by the French consul general.

There has been recently much discussion about Tunisian affairs in English and French journals, in dictating an imbittered state of feeling, and that England and Turkey are opposed to French influence in this place.

• • • • •

I am, sir, with great respect, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 16.]

UNITED STATES CONSULATE,
Tunis, August 8, 1863.

SIR: I have the honor to report that a lively interest continues to be manifested here in the civil war of America. This interest has been especially shown by commercial people with a view to the direction of their business.

The Arabic (official) journal gives a weekly summary of American news, with liberal comments. And I am credibly informed that a memorial has been drawn up, and is in circulation for signatures among the Moorish nobility, addressed to the President of the United States, against African slavery, and in favor of universal justice and humanity.

At the request of an American and English party and of the minister of foreign affairs, I recently (unofficially) placed before the Tunisian government propositions for the construction of a railroad from Tunis to the Goletta. The project has, however, failed, according to present appearances.

Many applications have been made to me for information and aid by young men, principally Italians, professing a desire to join our army.

A merchant informs me that our recent victories have already caused a decline in the price of cotton goods in Tunis.

I am, sir, with great respect, your obedient servant,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 19.]

UNITED STATES CONSULATE,
Tunis, November 7, 1863.

SIR: I have the honor to report that, between 8 o'clock on the evening of the 14th of September and 3 o'clock the following morning, there were nine shocks of an earthquake in this city, accompanied by a heavy rumbling noise; the first and last shocks were far the heaviest. No great damage was done, but at the time and during the following week great consternation prevailed. Thousands of people left the city in carriages and on foot, filling the villages around, encamping in the open fields, and some few departing by sea for the towns and villages along the shore. The only material result of all this stir is, so far as I can learn, the appearance of an island in the Mediterranean, the discovery of which is announced in the enclosed despatch from our vice-consul at the Goletta.

I have the honor to be, with great respect, your obedient servant,
AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

MR. CONSUL GENERAL:

Captain Mohammed Aoun, of the Tunisian brig Wansow, having arrived at Leghorn, has announced to me the discovery of an island some 125 yards in length, situated in longitude 8.30 east, and in latitude 37.50 north, exactly on the Clerki reefs. I fulfil the duty of making known to you this discovery. The movements of the earth, of which we have experienced strong shocks at Tunis, may have occasioned that volcanic eruption. I do not doubt that the captain states a fact, the importance of which may be great both for science and navigation; particularly if the new island produced from the Clerki reefs by volcanic pressure remains permanent.

Yours, &c.,

CH. CUBISAL,
United States Vice-Consul, at the Goletta, Port of Tunis.

Mr. Perry to Mr. Seward.

No. 20.]

UNITED STATES CONSULATE,
Tunis, November 19, 1863.

SIR: I have the honor to report, that while no very important events have of late occurred in this regency, many circumstances indicate the favorable tendency of public sentiment in regard to our country. All the consuls here, with one exception, (the British,) have uniformly manifested a desire for the success of our nation. The French consul and the French subordinate officials and merchants, whose acquaintance I enjoy, take the liberal journals of France, such as the *Siècle* and the *Debats*, and partake of their liberal and friendly sentiments.

A few weeks since the French consul, then just returned from Paris with his appointment as minister to Japan, gave as a sentiment at a parting dinner, where were present all his subordinate officers and myself, as the only consular guest of Tunis, "Union and liberty in America as well as in France." He remarked

that he knew this sentiment to be favored by the Emperor, on the ground both of humanity and of national policy. At his request I gave him a letter to our minister in Japan, embodying his friendly expression in the letter.

Very respectfully, your obedient servant,

AMOS PERRY,
United States Consul.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 24.]

UNITED STATES CONSULATE,
Tunis, December 11, 1863.

SIR: I have the honor to forward to your excellency by this mail a printed copy of a convention recently concluded between the British government and that of the Bey of Tunis. This treaty appears on its face and is claimed by its friends to be a mutual concession of rights and privileges, tending to do away with indirect legal processes, at present much resorted to by foreigners; to diminish political differences between Tunisians and foreigners; and to give aid and countenance to the cause of civilization and constitutional government. By this treaty the Bey permits British subjects to hold real estate in their own name, on the condition that their real estate be subjected to the laws of the country in regard to registration and taxation.

The provisions of this treaty are at the present time the subject of much animated and bitter discussion, in which British and Tunisian authorities appear prominent on one side, and French and Italian on the other side. The principal arguments urged in favor of this convention are, that its provisions are just and reasonable, promoting the interests of both parties; that its guarantees of good faith and fair dealing on the part of the Moorish government are ample, the consul alone having the power to execute the decrees and decisions of the local authorities; and, finally, that this convention provides the only way in which foreigners can become *bona fide* real estate holders, identifying themselves with the interests of the country. The main argument urged against the convention is, that the right to tax and control the property of foreigners cannot be safely given up to Mussulmen. The natives of this country are represented to be yet too rude and barbarous for such a trust and responsibility. Ignorance, superstition, and fanaticism are represented to be so prevalent that this convention, however good its object, must prove a serious evil, retarding instead of promoting the cause of civilization. But there are persons of high official standing in Tunis who attribute to the English government still other motives and considerations. This convention is represented to be a political contrivance designed to gain a controlling influence, or, at least, to prevent France from controlling or getting possession of this regency. England has here some ten thousand Maltese subjects, many of whom hold real estate *indirectly*, and, with the signing of this treaty, soon become *bona fide* real estate holders, thus giving England a direct interest in the soil and institutions of Tunis, which no other nation at present possesses.

The consuls general of Spain and Austria are understood to favor the principles embodied in this treaty, and to give encouragement of the speedy adoption of the same by their respective governments. The general policy of England and America, in this country, has for many years been supposed to be the same, on which account the British consul general makes a special appeal for our countenance and encouragement. As yet I have taken no decided stand for or against the treaty, thinking it more prudent to await some unbiased expression from my government. I may say that I do not see how any harm could possi-

bly happen to us from the adoption of this treaty, and I do see how much harm may be prevented by checkmating France, and encouraging the independent action of the Tunisian government. I hereby enclose Articles XI and XII of the municipal regulations referred to in the Article XI of the convention.

Very respectfully, your obedient servant,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure A.]

Extracts from municipal regulations referred to in Article XI of the British Convention.

ARTICLE XI. If for the sake of public improvement it be judged expedient to widen a street which is narrow and inconvenient, and this widening depends on a private property, the president of the council shall inform the owner of the private property what part of his estate the city will have to appropriate for the execution of the said measure, and upon notice being given to the consul of the said proprietor the president shall make offers for the purchase of the property. In case the proprietor should consent to the sale, the president should stipulate the conditions of it. If the proprietor refuses to sell, or if he demand an exorbitant price, the property shall be appraised and assessed without injury to the interests of the proprietor, and as the only means of effecting the object in question. The price agreed on by the assessors shall be paid to the proprietor. This measure is required by public interest, to which private interest must yield; but it will not be enforced until after it has been submitted in a clear and precise manner for our approbation, and until we have assented to it. The appraisal of the property shall be made by four amins, (skilled inhabitants of the country,) four experienced appraisers, and four notables of the city, in such way that one cannot doubt that the amount agreed upon is more than the real value. Six of these twelve appraisers will be named by the council, and the other six by the proprietor. In case they agree, they shall execute their decision or that of the majority; but in case of a division of opinion, they shall refer to the Sheik El Kady, and his decision shall be executed.

ARTICLE XII. If the council should decide to purchase a piece of land for public use, and only a part of the land shall be necessary, the proprietor of it shall have the right to demand the price of the whole property, transferring the same to the city.

Mr. Perry to Mr. Seward.

No. 30.]

UNITED STATES CONSULATE,
Tunis, April 9, 1864.

SIR: I have the honor to report that a decoration has been recently received from the Czar of Russia and presented to the Bey of Tunis with much ceremony by the Russian chargé d'affaires. Within the last three years presents have been made to the Bey by the principal European sovereigns, including those of France, England, Spain, Italy, Belgium, Holland, Denmark, Prussia, Sweden, Austria, and Russia, and visits have been made to the Bey within this period by some member of the royal houses of France,

England, Belgium, Prussia, and Italy. Some of the decorations given are said to be such as are alone exchanged between independent sovereigns, and their diplomatic bearings are supposed to be duly considered. Many of these presents have been brought here by governmental steamships, and returns have been made to all but two of the above-named courts by special envoys of the Bey.

A recurrence to some historical facts may, perhaps, throw light upon the actual status and relations of the Tunisian government. Without specifying many events that tended to diminish the friendly and intimate relations between the Tunisian and Ottoman governments, and to establish the independence of the former power, we particularly note the fact that the Ottoman Porte was finally prevented from attempting to interfere in Tunisian affairs by the presence of a French fleet in the harbors of Tunis. Since the above demonstration of French power and assertion of Tunisian independence, no claims or obligations other than of a religious nature have, I am assured, been either urged or acknowledged by either party. So far as Turkey is concerned, Tunis is now, and has been for some time past, politically independent. The Bey acknowledges alone the religious superiority of the Sultan. On these points there appears to be no difference of opinion among those who are supposed to be well informed. Should the Sultan visit Tunis soon, according to newspaper announcements, he would, I am assured, be enthusiastically received as the great hierarch of Moslemism, while as a political sovereign he would find few friends in Tunis.

But the means finally employed to prevent Ottoman interference in Tunisian affairs, though effectual, tended to a result unfavorable to Tunisian independence. While protecting the Bey from the Sultan, the French could not neglect such an opportunity to establish their influence and promote their interests in this regency. With an ever present power they were profuse in their professions of good will, giving decorations to the Bey and his chief ministers, and sending Prince Napoleon and other distinguished envoys to honor the Tunisian court.

But the Bey, while courteously receiving these attentions, was not blind to his true interests, showing no more partiality for the French eagle than he had before shown for the Ottoman crescent. His foreign affairs have been conducted, unlike those of the home department, with dignity and discretion. While maintaining amicable relations with France and Turkey, he has succeeded in establishing relations no less cordial and confidential with numerous other nations.

With the general conduct and bearing of the Bey in the difficult part which he has had to act different European governments are evidently well satisfied, and are disposed to lend what diplomatic aid they can to counterbalance and counteract French power and influence in this regency. And to this effect the various decorations, visits, and presentations of which I have spoken (aside from those of France) are expressive and significant, giving the Bey encouragement and confidence to stand up unabashed by the side of his powerful neighbor across the line, maintaining a position of neutrality and independence.

In furtherance of the object here set forth, and in accordance with the example of other nations, I take the liberty again to call attention to my recommendation in despatch No. 5, in favor of a present from the President, and I suggest for the present a *full-sized* portrait of Washington or Lincoln, in a handsome gilt frame, to compare with the portraits of some European sovereigns hanging around the hall of state at the Bardo Palace; or, instead thereof, a rich sword would be highly appreciated.

I am, sir, very respectfully, your obedient servant,

AMOS PERRY,

United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 32.]

UNITED STATES CONSULATE,

Tunis, April 23, 1864.

SIR : I have to report that a rebellion of considerable magnitude has recently broken out in this regency, threatening serious consequences unless soon checked. Since the adoption of the constitution in 1860 a personal tax of four and a half dollars has been levied on all male Tunisian subjects above 15 years of age, except those born in the city of Tunis. This tax has encountered some opposition; but this year, in consequence in part of the tax being doubled, the opposition has become violent, and several mountain tribes, occupying a part of the regency towards the line of Algeria, have revolted and are now in open rebellion.

Another complaint brought against the government by disaffected parties is, that the constitutional tribunals are corrupt, causing great expense to litigants by reason of delay and bribery. Formerly the Bey administered justice in person, daily hearing and deciding cases in the grand hall; and the facility and promptitude with which judgments were pronounced and executed, united to the honor of appearing before the sovereign, seemed to accord with the ideas of this people; and now the cry is raised, "Down with the tribunals, and down with all reforms that would separate us from our sovereign; let the Bey judge us, giving us the light of his countenance as of old."

Another outcry, very common among the disaffected, is against "*the slaves*." This is a thrust against the Bey's chief ministers, generals, and confidential advisers, most of whom were once *slaves*, having been brought here captives from the Grecian islands and the coast of Asia Minor. It is a mortification and sore trial to the native aristocracy, composed of land-owners, ecclesiastics, and petty monopolists, to see new men, once in bondage, elevated by their intelligence, liberal ideas, and energy of character, into the most responsible political offices of the country; and hence the Bey is called upon, through the influence of prejudice and envy, to return to old forms and customs, rejecting the measures recently adopted in the name of civilization and constitutional liberty. I believe the Bey to be well disposed towards all progressive measures; but, as he has assured me, he can give constitutional liberty and privileges only as his people are prepared to receive them.

The Tunisian government is now actively occupied in raising and bringing together troops (10,000 is the complement) with which to overcome the rebels. The Italian mail steamer was detained to bring soldiers from Susa, and the French mail steamer has gone to Boua under French consular orders. An English man-of-war (a steam corvette) left the Goletta last evening for Susa, and the speedy approach of a French squadron is expected. But it is well understood that the Bey desires no interference in his affairs by either of these powers that would but too gladly lend him aid.

One of the Bey's generals and a few of his soldiers have been slain while attempting to quell a mutiny in the rebellious country. Kairwan, the holy city, has been taken, the governor of it fleeing at the approach of an army of Bedouins. Considerable depredations have been made within ten miles of this city. There is much restlessness and agitation here arising from disaffection, fear, or the hope of plunder, and some families have suddenly left the country. Last evening there was great consternation for a while on the public square. The Bey's troops were ordered out in large numbers, some arrests were made, and the consulates and principal points in the city were strongly guarded.

But I have now to report, receiving my information direct from the minister of foreign affairs, that "the Bey has so far yielded to the pressure upon him as to abolish *provisionally* the constitution and its tribunals, and to allow the per-

sonal tax to remain at four and a half dollars." This action, together with the appearance of the Bey this morning in the hall of justice, has awakened a strong feeling in his favor, and hopes begin to be entertained of a reconciliation between him and his rebellious subjects, who profess personally to love and reverence him.

To give an air of friendliness and confidence to the government, and to help prevent any appearance of antagonism between the two powers that claim to be *par excellence* the friends of the Bey, the presence of the Constellation is, I think, at this time desired; and I have, after confidential consultation, sent word to Commander Stellwagen that an early visit from him would be especially acceptable.

Very respectfully, &c., &c.,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 34.]

UNITED STATES CONSULATE,
Tunis, April 30, 1864.

SIR: Since writing despatch No. 32, stating the origin and causes of the insurrection in this regency, together with the steps taken by the Bey to restore order and tranquillity, some incidents have occurred and facts have come to my knowledge which I deem my duty to report. The attempt at first made by the Bey to overcome the rebellion by means of an organized force proved a signal failure. By great exertions and at great expense a few thousand troops were brought together armed and equipped, but they were not in a state of mind to suit the Bey's purposes. Many of the men speedily deserted, and all of them were pronounced demoralized. Indeed, soldiers and people whose loyalty had not been suspected were found to sympathize with the rebels, and when the hour of trial came they shrank from an active co-operation with the Bey in his effort to overcome the rebels. In this condition the Bey was compelled, unless he had recourse to foreign aid, to concede all that was originally asked from him by his disaffected subjects. He yielded too late for his honor, but yet in season to lull a violent storm of passion, and to win back to his allegiance some cities and tribes that were in arms against him.

In some quarters, however, this conciliatory action of the Bey has been regarded as a proof of weakness and as a signal for united action against his authority. In Monaster and Mehdia, where we have consular agents, Jews and Christians have suffered personal insults and injuries, and some houses in the latter place have been attacked and pillaged. But the visit of an English or Italian man-of-war has had a salutary influence in establishing order and repressing the fanatical and infuriated mob.

The reports from the interior are contradictory. It is evident, however, that the Bey hopes for the complete re-establishment of order without foreign aid, of which most cordial offers are made by at least three different nations. The interest awakened in Europe by the report of this rebellion may be judged from the fact that three French ships of the line were in the harbor at the Goletta within forty-eight hours after the news of the outbreak reached Toulon, and an Italian corvette and frigate came with like speed and promptness from Spezia. I enclose a list of the men-of-war now in the harbor of the Goletta, (en-

closure No. 1.) Other French, English, and Italian ships are daily expected, together with one man-of-war from Spain and one from Austria. Commander Stellwagen, of the *Constellation*, is prevented from being here by sickness.

At this time no danger is, I think, to be apprehended from a plundering incursion of the Arabs from the interior. The show of force from abroad is enough to tranquillize the passions of the Arabs on the coast, and to prevent combinations for the execution of concerted plans for the extermination of the hated infidels.

The government of the rebels is reported to be organized, with Kef and Kairwan as the capitals. A sheik has been elected by the insurrectionists, who daily sits in the former city to decide questions and administer justice. His rule is said to be less agreeable to French subjects dwelling along the line of Algeria than to his people; and predictions begin to be made of a collision between his forces and French troops, who would rejoice to find some pretext for a quarrel.

It is due to say that the constitution of Tunis was adopted in 1860, in concurrence with the views of European consuls, and under special pressure brought to bear by the consuls of France and England. The hasty execution by the Bey of a Jew, who was a Tunisian subject, gave impulse to action in behalf of constitutional government. The constitution has had its friends and its opponents alike among Europeans and Moors; but I believe there has been no great demonstration of dissatisfaction, till since the arrival of the new French consul last autumn. Notwithstanding the fact that his predecessor had virtually forced the Bey to adopt the constitution, he was instructed not to recognize it, and he has exerted his influence against it. On the other hand, the English government recognized the constitution last autumn by a special convention, and the English consul has encouraged the Bey to persevere in maintaining it. The Italian consul has rather coincided with the French view of affairs, and other consuls have acted a somewhat independent part, defending the right of the English to treat with the Bey.

The antagonistic views of the English and French are at this time quite manifest. The French appear to exult at what has occurred, while the English express only regrets and the hope of the speedy termination of the difficulties. Meanwhile men-of-war are accumulating in the harbor, and the agitation in the city is intense.

Yesterday the French consul, accompanied by the vice-governor general of Algeria and the admiral of the French fleet, visited the Bey, and urged him in a formal manner to abolish the constitution and dismiss his chief minister. The Bey, in reply, requested that, for the sake of explicitness, the demands be put in writing, and promised a reply in writing; but being further pressed, said that though he had adopted the constitution to please the French consul, he had suspended it to please him and his own subjects; and in regard to his first minister, being satisfied with him, he should not dismiss him. The French consul left the Bey dissatisfied; and the Bey has to-day given an account of this interview to the other consuls.

I am, sir, very respectfully, your obedient servant,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure No. 1.]

Names, number of cannon and men belonging to men-of-war in the harbor of the Goletta, April 30, 1864.

1. English corvette Pelican, 17 cannon, 175 men.
 2. Italian corvette Etna, 10 cannon, 241 men.
 3. Italian frigate Garibaldi, 60 cannon, 560 men.
 4. English line-ship Meenee, 60 cannon, 700 men.
 5. French corvette Meteore, 2 cannon, 100 men. This ship had on board Commandant Duval, aide-de-camp of his excellency the governor general of Algeria.
 6. French line-ship Algesiras, 90 cannon, 950 men.
 7. French line-ship Alexander, 100 cannon, 1,000 men.
 8. French line-ship Redoubtable, 90 cannon, 950 men.
 9. A French steamer, Aviso, with Admiral de Derbengueme on board.
 10. Italian frigate Duca di Genwa, 52 cannon, 660 men.
 11. Italian frigate Maria Adelaide, 38 cannon, 600 men.
 12. Italian corvette Magenta, 22 cannon, 360 men.
 13. Italian frigate Carlo Alberto.
- The Italian fleet is under command of Vice-Admiral Alboni.

Mr. Perry to Mr. Seward.

No. 37.]

UNITED STATES CONSULATE,
Tunis, May 7, 1864.

SIR: Since writing despatch No. 34, relative to the rebellion, I have been invited to the Bardo, and have received from the chief minister the statement which I append.

The antagonism between the French and English consuls is very marked. The French consul is bent on the complete destruction of the constitution and on the removal of the Bey's chief minister, while the English consul is opposed to both of these movements. While I allow the principle that the form of a government should depend upon the character and wants of a people, I must favor constitutional liberty and independence rather than absolutism and dependence.

The reports from the interior of the country are favorable to the restoration of tranquillity and order. Several tribes and cities have returned to their allegiance to the Bey, restoring numerous flocks and herds which they had stolen. Some outbreaks have, however, occurred in cities situated along the shore. In Sfax, where we have an agent, many Jews and Christians have been robbed of all their possessions, and all the French subjects taking refuge on board a man-of-war have come to the Goletta. In this city have occurred some outbursts of passion, directed especially against Tunisian Jews, some thousands of whom have suddenly doffed their Moorish garb and red caps, putting on instead thereof European clothes and hats.

It is difficult to predict the complete restoration of tranquillity until a better understanding exists between the leading European consuls. Christian and Jewish families are leaving the country in large numbers for Malta, Italy, France, and Algeria; and the Goletta is thronged with people who have come there from Tunis and the surrounding country to be within range of European war ships. Consternation prevails more particularly among the Jews. The Bey is exerting his best energies for the maintenance of order, and I think if he could have the harmonious co-operation of the consuls all signs of revolt would soon disappear.

Two more French men-of-war, two Italian, one English, and one Ottoman have arrived at the Goletta during the week, making in all twenty war vessels that are now in the harbors of the regency.

I am, sir, very respectfully, your obedient servant,

AMOS PERRY,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure 1, with despatch No. 37.]

On the 29th day of April, 1864, the French consul, accompanied by the aide-camp of the governor general of Algeria, the admiral of the French fleet, and Colonel Compenon, a French subject in the employ of the Bey, visited the Bardo, and asked for an interview with the Bey, aside from the prime minister. An interview was granted by the Bey, in company with the minister, on the condition that the latter should take no part in it, unless desired. The consul assured the Bey of the good will of his master, the Emperor of France. The Bey expressed pleasure at receiving such an assurance. The consul then urged the Bey, in behalf of his government, to rescind the constitution and dismiss his chief minister. The Bey replied that he had adopted the constitution only under the united counsel and pressure of France and England, and he could in good faith rescind it only with their assent and approbation. England still held him to his engagement to maintain the constitution as the fundamental law of the land, and he could not break faith with England to conform to the changing counsel of France. He had, however, so far yielded to new counsel from France, and to demands from a portion of his own subjects, as to temporarily suspend, with the approbation of the English consul, certain provisions of the constitution. In regard to his minister, the Bey said that it was easier to dismiss him than to fill his place. He regretted that he was not blessed with trustworthy servants able and competent to manage his affairs.

The consul replied that it was necessary to rescind the constitution in order to restore tranquillity, and offered to name for minister one who would, with the aid that France would cordially give, produce results to the glory and honor of the Bey. He said the prime minister had enriched himself, impoverished his country, disgusted natives and foreigners, and that his removal would alone restore tranquillity and give hope of renewed prosperity.

At this stage in the conversation the Bey suggested that the demands and reply be made in writing. The consul expressed a willingness to receive a reply in writing, but refused to make his demands in writing.

Colonel Compenon interrupted the conversation with impertinent remarks. Pointing to the minister, he said: "You are the author of all these troubles." He was finally checked by the consul. Neither the Bey nor the minister addressed to him a word in reply, and gave no occasion by word or deed for any affront to be taken.

Finally, the Bey, taking the hand of his minister, left the hall under plea of indisposition.

Mr. Perry to Mr. Seward.

No. 38.]

UNITED STATES CONSULATE,
Tunis, May 14, 1864.

SIR: I have the honor to enclose a copy of a letter received from the Bey on the 8th instant, relative to an effort of the admiral of the French fleet to land troops at the Goletta under the pretext of defending the Bey and protecting the

city from an incursion of the Arabs. The troops finding the entrance of the canal closed, and the governor unwilling to remove the chain, returned to the ships. This affair caused much excitement in Tunis, arousing the indignation of the Moors, and exciting the fears of the Europeans.

A French subject, employed by the Bey as consul at Bona under an exequatur from the Emperor of France, came to the city last week, after having had much intercourse with the Bey's rebellious subjects residing near the line of Algeria. He was graciously received by the Bey, and on the 8th instant attempted to return to Bona by the French steamer charged with despatches from the Bey. He was, however, prevented from taking passage by express orders from the French consul. This act has been characterized as arbitrary and contrary to the law of nations.

The French consul has for some time employed as a night guard for his consulate numerous Algerine Arabs, who are French subjects. This act is variously interpreted, and is by Tunisians condemned as a violation of international law.

On the 11th instant arrived in the harbor, at the Goletta, an Ottoman frigate, Feis Babu, 28 cannon, 250 men, having on board the Ottoman ambassador and suite, Hider Effendi Pasha, of the grade of Mowshir; an Ottoman frigate, Souvir, 22 cannon, 250 men; and an advice steamer, 2 cannon, 100 men, 11 days from Constantinople.

On the appearance of the Turkish fleet, the Bey's health officers attempted to visit the ships, but were prevented by armed marines sent out by the French admiral. The French admiral soon visited the Sultan's ambassador on ship-board, and remained in his company about two hours, at the end of which time the Bey's officers were permitted to communicate with the fleet, and to escort the ambassador and his suite on shore, and to the Bey's palace in Tunis. The object of the Turkish mission is not yet known.

The chiefs of a number of rebellious tribes have presented themselves before the Bey at the Bardo during the week, asking pardon for their misconduct, and promising submission and obedience in future. The general news from the interior is pacific, but the cities along the coast are more agitated than usual. The Bey's military agents at Susa, Monaster, Media, and Sfax, have given out word that they cannot, with their present force, guarantee the safety of Europeans. This announcement has caused a general flight of Europeans—some escaping to other countries, and others coming to the Goletta and Tunis; and from here thousands are escaping, crowding all the steamers and vessels bound to foreign ports.

I announce, on the authority of one of the parties here named, that the English, French, and Italian consuls and naval officers have received orders not to intervene in the governmental affairs of Tunis, but are to strive to act in harmony with each other for the protection of European subjects. A written correspondence has been carried on by French and English consuls about Tunisian affairs, without coming to any good understanding; and several conferences have more recently been held by the French, English, and Italian consuls, but the points discussed, and the results of the interviews, have not been made public.

I remain, very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure No. 1.]

Translation of a letter from the Bey.

Praise to God alone! From the slave of God Most High, who confides in Him, and reports all things to Him, the Musher Mohammed Essadek, Pasha Bey, sovereign of the Tunisian kingdom.

To the honored and respected Monsieur Amos Perry, consul of the United States of America in our capital, Tunis; may God preserve him!

Our governor at the Goletta has informed us that he was called upon at about one o'clock, after midnight, by the French Vice-Consul Cubisal, who wished him to remove the chain that bars the entrance to the canal, pretending that the admiral told him that he was authorized by the French consul to land troops from the fleet, on account of some disturbances that had happened, it was said, in the capital, and the admiral at the same time sent from the vessels nearly 400 men in boats and in a steamer to the mouth of the canal. But, in reality, no disturbances have taken place in the capital, as you have seen. Similar doings are among the greatest causes that give rise to disturbances in the present state of things. So we have addressed to him (the French consul) a letter, a copy of which is herein enclosed, and we have written to you also to inform you of the fact, that you may know that if any disturbances take place on account of this doing, or the like of it, the responsibility falls on him who has been the cause. And may you live long in the keeping of God.

Given on the 2d of Dhi, Elhedja, 1280, (Sunday, May 8, 1864.)

N. B.—The letter to the French consul is literally the same as this, only addressed to Mr. De Beauval.

Mr. Perry to Mr. Seward.

No. 40.]

UNITED STATES CONSULATE,

Tunis, May 28, 1864

SIR: Little progress has been made within the last two weeks in the Tunisian question. Some robberies have been committed at various points along the shore, and several of the Bey's former officers have been slain. Other chiefs have submitted to the Bey, and serious quarrels have arisen among the rebels. The most serious difficulty, however, which the Bey has to encounter is the want of fidelity among his own troops. These desert in large numbers, and many of them join with the rebels. Considerable development is visible in the diplomatic bearings of the question. The consul of France has explained the object of the Emperor in having a large fleet at hand, and also the object of the Ottoman ambassador in coming here. The ambassador has exchanged calls with most of the consuls, and has shown himself disposed to maintain relations especially intimate with this consulate. He would be glad to have the Bey acknowledge himself the subject of the Sublime Porte, but says that France puts herself in the way to prevent such an acknowledgment. The English consul has shown me a despatch from Earl Russell, stating that the French government had agreed not to intervene in Tunisian affairs. England is uniting with Turkey in favor of reasserting the *status quo*, the leading principles of which are—

1. Hereditary right of succession of the Bey.
2. Independence of the Bey in internal administration.
3. *Freedom of action* in his foreign relations.
4. The investiture of the Bey by the Sultan on succeeding to the throne.

5. Coining money in the Sultan's name.

6. Every Friday prayer be offered in the Sultan's name.

A rich gold snuff-box, sent by the Bey's chief minister some four months ago to the French minister of foreign affairs, with a view to getting the French consul recalled from Tunis, has been brought back by a French admiral and returned to the Bey by the consul in the name of the Emperor.

There are here now two French rear-admirals and two French vice-admirals, seven war vessels of the line, and I counted in the harbor at the Goletta day before yesterday twenty-five men-of-war belonging to various nations.

The Constellation, Captain Stellwagen, arrived here on the 19th instant and left yesterday. The commander visited, with me, the Bey and the Turkish ambassador, and received from them and others marked attention.

Very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure No. 1.]

TUNIS, May 11, 1864.

You know, sir, that France has here important naval forces, and that if, unhappily, circumstances should become still more grave she would augment them; but our squadron has, I need not inform you, no other object than to secure the safety of our countrymen, and to witness, by the presence of the French flag, that the government of the Emperor does not neglect their interests. But the respect which we bear to the independence of all nations, and especially the care which France takes in a feeble neighboring nation, render it desirable to disembark troops only in case of imperious necessity.

I request you to inform our countrymen placed under your jurisdiction of the manœuvres, which I need not characterize, calculated to give to the natives a wrong idea of our intentions. You will say to them also that if private convenience and the shallowness of the water in certain ports do not permit the national colors to appear often, the consulate general is nevertheless ready to come to their assistance in case of emergency. The ambassador of his Highness the Sultan of Turkey has just arrived, with the title of Mushir. He has come to Tunis only after a good understanding between the courts of France and Turkey.

&c., &c., &c.

DE BEAUVAL,

Consul General of France.

The VICE-CONSUL OF FRANCE, at the Goletta.

[Enclosure No. 2.]

CONSULATE GENERAL OF FRANCE,

Tunis, May 12, 1864.

SIR: I should be unwilling that you should misunderstand the meaning of the presence of the Turkish ambassador at Tunis. He has not come here without having an understanding with France, and without the intention formally expressed to respect and regard the position and interests which the neighborhood of Algeria gives us in this regency. Say, then, frankly that it will gratify us to see his influence establish in these provinces order and

security, which are equally for the advantage of Arabs and Europeans, and that the satisfaction of France will be complete if fulfilling here, as everywhere, her mission of humanity and civilization, she see her influence serve for the prosperity of a country for which his Majesty has never ceased to manifest his good will and sympathy.

&c., &c., &c.,

DE BEAUVAL,

Consul General of France.

To the VICE-CONSUL OF FRANCE, at the *Goletta*.

Mr. Perry to Mr. Seward.

No. 41.]

UNITED STATES CONSULATE.

Tunis, May 4, 1864.

SIR: The events and developments of the week are far from encouraging a hope that the Tunisian difficulty will be speedily settled. Italian, French, and Belgian journals contain articles denouncing in strong terms English and Ottoman intrigue, and crimination and recrimination are freely expressed by the opposing parties. Though fleets of considerable importance are at hand with instructions to co-operate for the safety of Europeans and for the tranquillity of the country an influence is exerted unfavorable to these results.

I hereby enclose a circular of the French consul, giving a view of the *status quo* entirely at variance with the English and Ottoman explanations contained in my last letter.

Steamers have arrived during the week from Gabes, Sfax, and other cities along the coast, with intelligence that the Bey's authority is completely set aside in those places, and parties are in power calling for Turkish rule under English protection. The indications are numerous of a disturbed state of feeling in this city, and hostility to the Bey's government is reported to be on the increase in the interior. The Bey and well-informed Mussulmen are believed to exert their utmost influence for the maintenance of order, while foreign politicians and fanatical Mussulmans, by a singular concurrence of measures, contribute to the general disorder.

The affairs of the regency appear more grave now than at any previous time. The Bey is beset with opposing counsellors. Some insist upon a change in his ministers, others that he should yield to no such counsels. Some urge the presence and support of French troops, and the French Emperor indorses this proposition by the offer of men and money on a liberal scale. Others resist such counsels, urging the Bey to rely on himself. Still another party urge a resort to English and Ottoman support. The Bey appears in a maze. Hampered and paralyzed in his movements, he does but little for the establishment of order.

Meanwhile commerce and industry are paralyzed, merchants are ruined, and the country is forsaken by those Europeans who are able to make their escape to a more secure region.

As I write a letter is received announcing that the Turkish flag floats over Susa.

Should the French land troops, as they tried, and still propose to do in case of emergency, a general pillage of the city and murder of the Europeans would be likely to result.

I have the honor to be, very respectfully, your obedient servant,

AMOS PERRY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosure No. 1.]

LEGATION AND CONSULATE GENERAL OF FRANCE,
Tunis, May 24, 1864.

I have learned that reports are circulated with much persistence that France has designed to seize Tunis. I pray you to do justice to these reports, which the constantly disinterested policy of France in respect to the regency disavows and continues to contradict; but at the same time you are authorized frankly to declare that the exigencies of our position in Algeria would never permit us to close our eyes, if there should be manifested, from any quarter, any tendency to modify a state of things in Tunis, consecrated by time, by general assent, and by that of the Divan in particular.

Receive the assurance of my distinguished consideration,

DE BEAUVAL,
Consul General.

P. S.—The Mediterranean squadron in course of training has just arrived with many war ships and advice boats under the command of Vice-Admiral Count Bouet Williametz.

We shall then be able to send ships upon all points of the coast where a regard for security requires it.

Circular of the consul general to each of his vice-consuls in the regency of Tunis.

Mr. Perry to Mr. Seward.

No. 42.]

UNITED STATES CONSULATE,
Tunis, June 18, 1864.

SIR: Tunis has been profoundly agitated since my last despatch. It was whispered, about two weeks since, that some startling and decisive event was at hand. French troops were stationed near the Algerine confines, and had accumulated in the harbor of the Goletta, to the number of nearly 2,000, and the arrival of several iron clad war-ships from France and Italy gave rise afresh to the report that the combined forces of these two nations were to land. Other reports, compromising the character of England and Turkey, were equally calculated to enlist attention and terrify. Robberies were committed between Tunis and the Goletta. Some of the Bey's bravest troops, the zouaves, were disorderly in the streets, manifesting hostility to Europeans. The news from the coast and the interior was unfavorable to peace and order. All business was suspended, and horrid stories were told of Moslem hatred, and of massacres that were likely to attend the disembarkation of troops. The result was a general panic, and thousands of Jews and Christians of the better classes hurried out of the country for personal security. The Spanish consul general left two weeks since, and this week the Swedish and Dutch consuls, who have passed their whole lives here, have departed. The poor and laboring classes, finding no employment and threatened with starvation, if not with massacre, have been helped off by their respective consuls in large numbers, so that now comparatively few European families remain here.

At the present time fears of immediate danger are not so general. The landing of troops and other warlike demonstrations which were confidently predicted are not witnessed, and the news from the interior is of an encouraging character. And as the war cloud appears less portentous, the question is raised

Who has caused this agitation and panic; to whose indiscretion is this general ruin to be attributed? The French and the Anglo-Turkish parties are unsparing in their criticisms upon each other.

Among the natives animosity against the French is intense, and it would require but little indiscretion on the part of the Tunisian and French officials to light up a war that would arouse the most bitter Moslem hatred against the infidels. The Anglo-Turkish party is popular among the Moors, but can do nothing, watched and constrained by the overpowering forces of the French. There are here substantially three parties. One party opposes all intervention, maintaining that the Bey, left to himself, will be able in due time to overcome all opposition in his dominions, and to settle his difficulties in the best manner. This party opposes equally the officious claims and pretensions of the French and of the Ottoman party, and is composed of Tunisian officials and of individuals of various nationalities, whose sole object is quietness and order. Most of the consuls are classed at the present time with the non-intervention party, maintaining that it will be in season to provide for a European congress when the necessity shall be satisfactorily demonstrated.

The other two parties appear agreed in regard to the necessity of foreign intervention, but differ in regard to the nation that shall take upon itself the responsibility of intervening. One of these parties maintains that the Emperor of France is the natural and legal protector of the Bey. Tunis is near Algeria, and French troops and the French navy can readily render all needed assistance. And further it is added, that France has maintained the character of a protector to the Bey for a third of a century, having, on one occasion, marched her troops into the interior to quell an insurrection and punish disturbers of the public peace, and having prevented, at the request of the then reigning Bey, the disembarkation of Ottoman troops and the interference of the Sultan in the affairs of the regency. As the neighbor and *de facto* protector of the Bey, France is pronounced the rightful power to stretch forth her strong arm to restore tranquillity and order, and to extend the benign influence of civilization in this regency. And further it is urged, as a matter of honor, that since France does not interfere with the controlling influence of England in Morocco, England ought not to interfere with the controlling influence of France in Tunis.

In opposition to this stands forth the Turkish claim supported by England. For centuries the Grand Sultan has exercised the right of suzerainty over this regency, investing the Beys of Tunis with the rights and responsibilities of their office; and his right so to act has not been disputed. He has never given to any Bey the right to diminish his territory, or to call French arms to his support; and, consequently, if any Bey has exercised such right, he has acted without authority, and contrary to the law and custom; and if France has interfered in Tunisian affairs, she has done so against law and custom, and against the suzerainty of the Sublime Porte. Questions of convenience, neighborhood, and civilization are aside and independent of the main question of the right of suzerainty, and therefore need not be here considered. If the Sultan is divested of the right of suzerainty, when was it done? And why does he continue to exercise the right of investiture? Why does all the money in the regency continue to be coined in his name? And why are prayers offered in his behalf every Friday in all the mosques?

Again, it is argued, on the ground of the independence of the Bey as maintained by the French, that Turkey, if any power, should interfere in Tunisian affairs, since Turkey is the natural ally and protector of the Bey, both on the ground of affinity in religious concerns and of actual preference, as shown by the demands of the people in the cities along the coast. This point is specially argued by the British consul, while the French consul shows no favor for his application of the Napoleonic doctrine of popular sovereignty. Many Chris-

tians and Jews of various nations favor Ottoman rather than French intervention as a means of obviating the horrors of a religious war.

While studiously avoiding the spirit and attitude of a partisan, I deem it my duty to give my cordial support to the Bey in his efforts to prevent all foreign intervention. A revolt sprang up against the French in Algeria before any demonstration was made against the Bey in Tunisia; and I see no more reason for interfering at present with the latter government than with the former. The Bey is feeble, but his feebleness is, I believe, due in some degree to impositions practiced upon him by his powerful neighbors through jealousy of each other's influence.

Very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD.

Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 44.]

UNITED STATES CONSULATE,

Tunis, July 2, 1864.

SIR: Since sending off despatch No. 42 the aspect of affairs here has somewhat changed. I am informed by the consul of Italy that the cabinets of London, Paris, and Turin have come to an understanding to this effect: Neither of the first two named powers are in any emergency to interfere with the Bey. France withdraws all pretension as his protector, and England is to discountenance any interference by the Sultan. The effect of this understanding has been to bring the French and English consuls to act in harmony with each other. The French party and the Anglo-Ottoman party are lost sight of for the moment. The immense French armament by sea and land is pronounced to have been mainly designed to prevent Turkish aggressions, encouraged by England; and England appears to have supported Turkey to prevent French aggressions.

Since this arrangement has been understood here, one of the English commanders has visited Sfax and successfully exerted his influence to have the Ottoman flag removed and that of the Bey raised in its place.

In case the Bey, unable to restore order, demands aid, Italy is to intervene, and is to withdraw her forces from Tunis immediately on the re-establishment of order. Already Italy is preparing for the work of intervention. Her engineers are here, and many of her troops are in the harbor, and others are ready to be transported from Cagliari and Genoa to the African shore. The number of vessels-of-war in our harbor is now twenty-two, fourteen of which are Italian.

The Bey has this week succeeded in getting off a body of troops to overcome the rebels, and the result of this expedition is awaited with varied expressions of interest, the French and Italians predicting a failure.

The premier of Italy has lately announced in Parliament that the Italian policy is in favor of the independence of the Bey. I am satisfied that France is not yet prepared to take Tunis, and hold it as a province. The experiment in Algeria is not favorable to such an undertaking. Too much blood and treasure would be required. But France does not wish Turkey to get possession of Tunis, lest there should be a league among the Moors of all North Africa and the Turks to retake Algeria. It is, I believe, the French policy to have a weak independent power established here either through the Bey or the King of Italy.

I have the honor to be, very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 45.]

UNITED STATES CONSULATE,

Tunis July 30 1864.

SIR: My last despatch, about the affairs of Tunis, was dated July 2. Since then few events have occurred worthy of record. Rumors of war and of peace have been by turns circulated and contradicted, several petty revolutions have occurred in different localities, and some robberies have been committed. Insurgent cavalry have appeared at different points in the regency, impressing men into their service and appropriating provisions to their use. But few days ago eighty wagon loads of provisions, intended for the Bey's army at Beja, were seized, together with a quantity of horses, mules, and camels, and the Bey's men were stripped of even the clothes upon their backs. Two days afterwards, however, all these things were restored, and the marauders were punished. The people have been in a state of feverish excitement; at some points they have raised the Turkish flag and called for English protection, and everywhere have made demonstrations of ill will towards the French.

The French and Italian navies have continued to be represented by about twenty war vessels and some 12,000 marines, while England and Turkey have kept here usually four or five war vessels. French and Italian officials have been able to predict only feebleness, disorder, and confusion in the regency so long as the Mamelukes should be continued in power; while the English and Tunisian officials have uniformly spoken hopefully in regard to the future. There has been shown a general disposition to disparage, if not to embarrass, the government. It has been represented as past the hope of recovery, and it has indeed presented a pitiful aspect. Some representatives of powerful nations united in sustaining the demands of the rebels, and of the Bey's army of 5,000 men, sent out to encounter the insurgents, more than 500 deserted and joined the insurgent camp. Little spirit and no enthusiasm has at any time been manifested in behalf of the Bey, while, on the other hand, the rebels have been well organized, and have exhibited much *esprit du corps*.

Still a triumph on the part of the Bey is proclaimed. Day before yesterday the director in the Foreign Office called upon every consul to announce, in behalf of his master, the establishment of peace. The conditions named are a diminution of taxes and a general amnesty. There were numerous demonstrations of satisfaction, particularly about the English consulate. The large flag was raised, and a band of music contributed to the enjoyment of the occasion. From prudential considerations I avoided showy and noisy demonstrations of rejoicing, but have to-day presented my congratulations to the Bey in person. I expressed the hope that the peace proclaimed might be substantial and lasting, and that from it might result, under the rule of his Highness, the permanent prosperity of this regency. I assured his Highness of the good will of the American government, and alluded to the expression of interest in Tunisian affairs contained in your last despatch. He appeared gratified by such an expression from the Mexican minister, and begged me to assure him, in return, of his best wishes for the complete success of our government. He is kept informed in regard to our affairs by the official Arab journal, which is edited by an ardent friend of America, and contains some piquant articles on the slavery question, and a weekly summary of American news.

The Bey is of Moorish character as well as origin. He is guarded in his expressions, and in conversation shows good sense rather than much intelligence. His face indicates kindness and melancholy, rather than energy. He is rarely seen except at the side of his prime minister, who, though subordinate in office, is vastly superior in ability. Sidi Mustafa is worthy of his Greek origin; shrewd and persevering, he is to be characterized rather as a manager than a statesman.

His efforts have been more effectual for his personal aggrandizement than for the prosperity and well being of the state. He has become rich, while the country has become poor; his tactics, however, have of late been particularly serviceable to the Bey. Without suffering his temper to be ruffled by officious consuls, he has wearied the rebels with delays, amused them with promises, bribed them with money, and frightened them with the show of arms, and especially with the fear of foreign intervention, so that they have become weakened and divided.

It is due to say that there is a question in some minds in regard to the genuineness and permanence of the peace proclaimed. The French and the Italians are unbelieving, and their ships-of-war continue to guard the harbor; yet I am persuaded that the report of the peace is substantially true, and that the rebel leaders have acted from a regard to their true interest in yielding submission to the Bey.

With great respect, your obedient servant,

AMOS PERRY

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 47.]

UNITED STATES CONSULATE,
Tunis, August 20, 1864.

SIR: In my last despatch I referred to demonstrations of joy made on one side at the announcement of peace in this regency, and to expressions of coolness and incredulity elicited on the other side on the same occasion. Each party attempted to convict the other of folly, and to show its own wisdom by a statement of facts in conformity with its own views and line of conduct. The official Arab journal contained a letter from the general of the camp, with the names of fourteen of the principal tribes that had submitted to the Bey and received his pardon. The chiefs of some other tribes were reported as having come to the Bardo on the same errand. Grain and provisions, for the want of which the city was suffering, began to pour in, and petty skirmishes are reported among the tribes in the interior. These facts, and many others of minor importance, were represented in glowing terms by the Anglo-Ottoman-Mameluke party.

On the other hand, the French anti-Mameluke party disparaged the representations received from the Bardo, affirming that though gold had bought over some chiefs, the spirit of opposition to the Mameluke government was unchanged. The concessions were shown to be rather on the side of the Bey than of the rebels. The Bey had demanded of his loyal subjects nine dollars poll-tax, but had treated with his rebellious subjects to receive two and a half dollars, and to diminish other taxes in a similar ratio. After this degradation he was far from having peace. Susa was blockaded by hostile Arabs, and the whole coast was in a state of revolution. The government was represented to be without credit, if not bankrupt, and the opinion was confidently pronounced that Sidi Mustafa must quit his post as chief minister before any substantial peace could be witnessed in the kingdom.

Still, indications of a better state of feeling were not to be denied. Robberies ceased, notwithstanding the people of the city ventured to make excursions into the country. The steamers were no longer crowded with persons fleeing for their lives. On the other hand, some who had left the country for personal security began to return. Congratulations and felicitations were not only received from most of the consuls, but from several of the European cabinets; and the Bey issued a circular to the consuls, which I give in enclosure A.

In this state of things a new report was set afloat from the French consulate. It was asserted that the French minister of foreign affairs had demanded the dismissal of Sidi Mustafa. The most exaggerated statements were made and for awhile believed. The city seemed as it were set on fire. Moorish indignation was aroused, and the most bitter Moorish enemies of Sidi Mustafa rallied to his support; thus defeating the primary object probably had in view by those who originated the report. But soon rumor gave way to a statement of facts as follows: A sealed letter was received by the Bey, from the French minister of foreign affairs, containing expressions of friendship for the Bey—a desire to see his independence maintained, and a hope that the Bey would not hesitate to make concessions to his subjects in favor of peace and order.

This letter may be regarded as a simple expression of friendship and good will on the part of the imperial government, or it may be interpreted as a polite indorsement of the officious demands of the French consul. The Bey received it in the light most favorable to his views and purposes, and returned an answer to the imperial minister with expressions of gratitude for his generous interest. But the ink was scarcely dry on the Bey's letter of thanks to the French minister when the French consul appeared at the Bardo with a despatch in his hand from his minister, of which the following is a summary: "Your conduct at the Tunisian court is approved by the department; persevere in your course." With an expression of confidence and satisfaction the consul says to the Bey: "Now you see I am supported in my demands for the dismissal of Sidi Mustafa. I repeat my demand to the same effect, and I shall await your reply twenty-four hours." "Begging your pardon," replied the Bey, "I see no such thing. I have just received a letter from your minister, who makes no such demand. On the contrary, he expresses sentiments of friendship for me, and a desire to see the independence of my government maintained. I shall not dismiss my minister except by compulsion. If you have any demands to make you will please make them in writing, and they will be answered accordingly." The interview here ended, though comments and inferences continue to be made.

One inference is, that the French are in earnest, and will continue to vex and harass the Tunisian government until the removal from office of the offensive minister, which act may be heralded as the acknowledgment of their pretensions as the promoters of civilization and the protectors of Tunisian independence. Another inference is, that since the trial of wits has resulted to the advantage of the barbarians, the French will quit the field, though necessarily with diminished respect and influence, to await a more favorable opportunity for their peculiar tactics. Time alone will enable me to express an opinion on these points.

A considerable body of troops is soon to be sent off, to reduce to order the Arabs along the eastern coast, who show themselves equally hostile to the French and to the Mameluke rulers of Tunis.

The Ottoman envoy, Hayder Effendi, who has the same rank in Turkey (Mouchir) as the Bey of Tunis, occupies, with his suite of attendants, the Bey's palace in this city. His instructions are to remain till the departure of the French fleet from the harbor of the Goletta. He is a man of culture and agreeable manners, having passed many years at Paris and at St. Petersburg. From the independent position of the American consul, he has felt himself at liberty to visit me often, and to express his opinion freely on political subjects. He says the Sultan desires simply the maintenance of the *statu quo*. The *statu quo*, not as modified by any foreign or real protection of France, but as sanctioned by the high powers of Europe for centuries.

This community has of late been treated to a liberal supply of political scandal from an alleged attempt on the part of Sidi Mustafa to bribe the Austrian ambassador at Paris. The simple facts of the case are as follows: The Prin-

cess, the wife of Sidi Mustafa, sent to the Princess Metternich, the wife of the Austrian ambassador at Paris, a box of diamonds, pearls, &c., valued at 60,000 francs. The Princess Metternich, under instructions from her government, declined to accept the gift, but wrote a letter of thanks, with a request that the Austrian consul here should, in returning the gift, use the utmost delicacy not to wound the feelings of the parties interested. The box and letter, sealed, were sent through the French department of state to the Austrian consul here, and the French naval officer, on delivering the same, required a written acknowledgment from the Austrian consul. While the Tunisian minister is charged with an attempt at bribery, the French minister is charged with a breach of confidence in an affair of honor.

Very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure A.]

The Bey to Mr. Perry.

(Translation.)

Praise to the only God!

From the servant of the Most High the Mouchir Mohammed El Sadok, Pacha Bey, possessor of the kingdom of Tunis, to our ally, the respectable and honorable Mr. Amos Perry, consul general of America, in our capital of Tunis, whom may God preserve.

(After the usual compliments.)

The news has reached us, (by the care) of the general of the camp, informing us that the tribes which were united (for the insurrection) have gone to the camp to ask pardon. The said general has communicated to us the demands of the tribes, to whom we have granted what they asked. Since then each one has gone back to attend to his particular occupations. In order to assure us of that which precedes, the general of the camp has sent us compacts, signed by the tribes, in which these same tribes declare that they accept what is said above.

We send you this letter that you may have correct information in regard to this matter.

May you remain faithful to God:

Written the 5 Rabi El Awel, (11th August, 1864.)

MUSTAFA (KHASNADAR.)

(With the seal of the Bey.)

Mr. Perry to Mr. Seward.

No. 48.]

UNITED STATES CONSULATE,

Tunis, August 27, 1864.

SIR: Who is to blame for the present agitation *in* and *about* Tunis? This is the staple topic of conversation in this place, and is discussed with more bitterness than ability in the journals of France and Italy. The immediate cause of the rebellion was undoubtedly exorbitant taxation. The radical causes were maladministration and jealousy between the ruling Mamelukes and the native aristocracy. The Greek slave, Mustafa, has become to the Bey what the Hebrew slave Joseph was to Pharaoh. But in that position, though supported by his master, he is hated by his fellow-subjects. To his charge are

laid all the evils that afflict the land. He is blamed for the high taxes, corrupt tribunals, and empty treasury. In his turn he hurls back the charges, showing the miserable set of creatures he has to deal with. And truly his appeals excite our commiseration. It is hard to form a state out of ignorant, superstitious, and fanatical subjects.

But, aside from the faults of the government and people of Tunis, there are some serious causes of difficulty. Foreign nations know the worth of Tunis as a colony, and the weakness of it as an independent state. Turkey is not ready to relinquish her claims of suzerainty, though she cannot maintain them. England sees here a field for enterprise, and abundant provisions for Malta. France, with Algeria ill at ease, dreads Turkish and English influence in her neighborhood, and desires to extend her territory on the Mediterranean. Italy wants and needs a colony for superabundant population. It is but too plain that these nations are plotting for influence and power, and are ready to take advantage of the mistakes and misfortunes of the Tunisian government. The two leading actors are England and France—Turkey and Italy playing a subordinate part. Until the year 1830 English influence and trade predominated. The occupation of Algeria turned the scale in favor of France. Since then the latter country has been diffusing her ideas and extending her commerce to the disparagement of British ambition. The important enterprises have been given to Frenchmen. Frenchmen have been honored with lucrative posts under the government. The late French consul, who was a good Arabic scholar, and once a Mussulman, was much consulted and honored by the Bey. During his term of service no enterprise could succeed without his patronage. He leaving his post about a year since, the British convention was speedily concluded, giving British subjects, and even the British Queen, the right to hold real estate in Tunis. About the same time arrived the new French consul, who, though an accomplished man, understands neither the Arabic language nor oriental life and manners. Regarding the convention as a piece of state craft, inconsistent with the rules of national courtesy, he employed his utmost influence with the British consul and with the Bey's minister to break it down. Failing in this object, he attacked the Tunisian constitution, on which the convention is based, ridiculing it as a sham and a humbug. The rebellion, soon breaking out, seemed an occasion suited to the consul's purposes. The rebels were pronounced in the right and the government in the wrong; and much was done to strengthen the former and embarrass the latter.

About this time is alleged to have been made a counter movement by the English consul, viz: to offset French pretensions by Turkish claims. In this conduct the English consul is accused of acting a treacherous part. The result of this action was several demonstrations in favor of the Sultan along the shore.

After considering the numerous domestic and foreign causes of the agitation in this regency, I am unable to predict speedy and permanent tranquillity.

The Bey has this week sent off troops to the eastern shore.

I have the honor to be, very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

UNITED STATES CONSULATE,

Tunis, September 11, 1864.

SIR: I have the honor to report that the army of the Bey, which set off from this place two or three weeks since, has arrived in the disturbed country

without encountering opposition, and yesterday the chiefs of the two most hostile tribes appeared before the Bey at the Bardo, acknowledging their submission and receiving pardon. This announcement is made with an air of triumph by the friends of the government, who declare the rebellion to be now at an end.

Some of the ships-of-war have left the harbor, and the departure of others is predicted, though about twenty ships, mostly French and Italian, still remain. Peace and good feeling are not yet restored. One question often discussed is, "Which shall leave first, the French or the Turks?"

The finances are in an unsatisfactory condition, and another loan is called for.

Very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

[Extract.]

No. 50.]

UNITED STATES CONSULATE,
Tunis, October 10, 1864.

SIR: I have the honor to acknowledge the receipt of despatch No. 8, of August 30, 1864. I have this day been to the Bardo to congratulate the minister on the news of the decided victories recently gained over the rebels along the coast. On arriving at the palace a messenger invited me to an audience with the Bey and minister together. His Highness met me at the door and felicitated me on my return to his capital. A pleasant and extended interview took place, in which I explained the contents of your despatch, (No. 8,) and in other ways tried to show myself amiable and useful. I was requested to express a grateful appreciation of your kindly sentiments. His Highness appeared to labor under the impression that I had done him great service during my three weeks' absence in explaining his affairs in some of the great cities of Europe, assuring me that he had received an account of one of my expositions of Tunisian affairs, and expressing gratitude therefor. I was, of course, innocent of any ill intention, and so contented myself with claiming to be well disposed towards his Highness's government.

* * * * *

I am, sir, very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 51.]

UNITED STATES CONSULATE,
Tunis, October 15, 1864.

SIR: In my despatch of September 11 (No. 49) I stated that a number of war vessels had left this coast and more were expected soon to leave. But the question was discussed with much warmth which should leave first, the French or the Ottoman fleet. This question was finally settled by the naval commanders thus: All but two of the war vessels of the French, all but two of the English, all but two of the Italian, and the whole Turkish fleet, with the ambassa-

dor on board, were to leave the harbor, at a given signal, on the 23d of September. This plan was carried out, and fourteen war vessels belonging to the four nations above named moved out of the harbor of the Goletta together, the French admiral assuming a position at the right of the Ottoman envoy, and the Italian admiral at the left. Their departure was, I believe, a cause of rejoicing among all the friends of good order in the regency. What were they here for? No one pretended that there had been for a long time any danger from the Bedouins or Arabs. Indeed, the latter have shown hostility to foreigners only when threatened with invasion. Officers belonging to each of these fleets have allowed, in private conversation with me, that they were here to counteract each other's machinations, rather than to protect their respective nationalities from Arab plunder and assassination. The greatest antagonism existed between the French and the English. A misunderstanding and coolness finally took place between the French and the Italians, and the Turks were not quite satisfied with the restraints imposed upon them by their English friends. Thus mutual distrust and jealousy have marked the course of these international guardians, whose departures from these shores is speedily followed by peace. While those powerful fleets frowned upon the shore, the Bey's efforts to subdue the rebels were to a great extent paralyzed. His men feared the treacherous Franks, and preferred to encounter *them* in battle rather than co-religionist brethren.

Though many skirmishes, robberies, and murders have taken place since the rebellion commenced, but one engagement has occurred which deserves to be called a battle. This occurred last week on the eastern coast, and is represented to have been so decided in its character as to bring all the tribes at once to submission. Some 200 persons were killed, as many more wounded, and three times that number taken prisoners. The government at once becomes able to collect its taxes and enforce its laws; and even the French, whose great ambition has been to humble the Bey by securing the fall of his prime minister, now allow that the rebellion is at an end, without the accomplishment of their cherished object. I place much stress on this concession of the French, since they have, by their interference with the government and opposition to its measures, engendered a large amount of ill feeling and lost many posts of honor, influence, and profit. Their only satisfaction seems to be, that they have demonstrated their determination not to allow other nations to interfere in Tunisian affairs.

Already since the "great battle" a cheerful feeling has sprung up—merchants are encouraged with the hope of gain, and peace and prosperity are confidently anticipated by natives and foreigners; and from my stand-point I see no reason why this nation may not now enter upon a new period of its existence, with the promise of increased life, prosperity, and independence. It is evident that while France would probably rise with her full strength to prevent the interference or intervention of any other nation in Tunisian affairs, she is not herself prepared to intervene here, exposed to the gaze and criticisms of the advance nations of the world. The Emperor has probably considered this subject of late and shrinks from a big job. Algeria is hard to manage, and Tunis would but increase his troubles. The Bey may, then, continue to reign despite his powerful, jealous, and greedy neighbors; and it is to be hoped that he will greatly improve his administration, and thus avoid such difficulties and embarrassments as have lately imperilled his throne.

I am, sir, very respectfully, your obedient servant,

AMOS PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 54.]

UNITED STATES CONSULATE,
Tunis, November 5, 1864.

SIR: The changes that have recently taken place in the aspect of Tunisian affairs are so passing strange that I deem them worthy of special note. It is but a few months since every part of this regency, aside from the immediate neighborhood of the capital, was in the power of the rebels. The Bey was beset with enemies, domestic and foreign. He had but a few hundred soldiers, and there were many of them disloyal, escaping as occasions offered to join the enemy; while the rebel force was large, well organized, and in good courage, and the French were apparently seeking some pretext for landing their troops. Hardly a ray of hope could seem to animate the Bey in such a maze of difficulties; his best friends spoke of his affairs but in sad and despairing tones. His motley troops were ready to encounter hated infidels, but not to exercise their weapons upon their co-religionist brethren engaged in a cause for which they had much sympathy. France and Italy and Turkey (through English influence) were ready with proffers of aid, but no aid was sought or received. The Bey persisted in expressing the desire to be left alone in his affairs, and in proportion as he was left to himself he gained influence, respectability, and power among his people, until early in last month the decisive *battle* or skirmish occurred, of which mention is made in Nos. 50 and 51.

Now, instead of having a few hundred discontented, half-hearted soldiers, the Bey had 20,000 well-disposed men in his service, and the ability to double the number at his pleasure, and the foreign troops that hovered, like ill-omened birds of prey, by thousands along his shore, are departed.

At the breaking out of the rebellion the treasury of the government was empty, and no means existed by which to replenish it. Now, though financial difficulty still exists, the Bey has just levied a tax of forty million piastres (one million sterling) on the cities along the eastern shore, and arms and ammunition, oil and grain flow in from every direction. Whereas a few months ago all mouths teemed with expressions of pity or contempt for the Bey, to-day his praises are spoken by foreigners and natives; even the French, who are generally understood to have thrown obstacles and embarrassments in his way at the most critical period of his affairs, are now publishing articles in their journals, taking to themselves the credit of the late governmental successes, and throwing upon the English and Turks the reproach of having fomented and continued the troubles.

In one respect no marked change is to be noted. The animosity and antagonism between the officials of the two great rival nations in commerce and politics are unabated, though, perhaps, manifested in different ways. Much scandal is circulated, and efforts are made to show the instrumentalities employed by these nations, respectively, in the late troubles. The English are evidently interested in trade, and are understood to be making an effort to turn through the city of Sfax and Malta the internal commerce of the far south, which has of late years been principally carried on through Algerine ports. This project is watched and combated by the French. Again, since there has never been any boundary line established between Tunis and Algeria, the French fear that the English may, through their late convention in regard to landed estates, get possession of some territory along the confines of Algeria, and thus cause them serious trouble.

A few months since foreigners of various nations were hastening from the country by thousands for security, and business was suspended; while now the boats are loaded with people returning to their homes, and business is resuming its accustomed channels. It is but a short time since the chiefs of the various

tribes in the regency stood forth in the attitude of bold defiance to the Bey. To-day they are most of them faithful servants of the Bey, or humble suppliants for his mercy; a few of them have been hung or shot, a few are in prison, and one or two have escaped to parts unknown.

Very respectfully your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington D. C.

Mr. Perry to Mr. Seward.

No. 55.]

UNITED STATES CONSULATE,
Tunis, November 17, 1864.

SIR: Some incidents have occurred and scenes been enacted in this neighborhood within the last few days which I deem it my duty to report. On Saturday, the 12th instant, the Bey sent a messenger, according to established customs, to say to the consuls of France, England, Italy, and Austria, that his envoy, General Kheridine, would depart for Constantinople on Thursday, the 17th instant, and would be pleased to take a letter of introduction to their respective ministers accredited at the Sublime Porte. A courteous answer was returned by the last three consuls named, while the French consul seized the occasion to display his ill humor, expressing to the messenger his astonishment that the Bey should venture to take such a step without consulting him.

At 5 o'clock p. m. on the same day the French consul appeared at the Bardo, and had an interview with the Bey in presence of his prime minister and some subordinate officers. After the usual compliments, the consul stated his objection to the proposed mission, and told the Bey that such a measure could not receive his approbation or countenance. He took to himself the credit of having recently extricated the Bey from difficulty and embarrassment, by inducing the Ottoman envoy to leave his capital, and suggested that if the Bey refused to heed his counsel he might be left to take care of himself in future. Preserving his self-possession and dignity, the Bey replied that neither the consul's countenance nor approbation was asked, and that he was notified of the proposed mission simply as an act of courtesy. The Bey pronounced counsel in such a case as out of place. Upon this the consul became more imperious in his bearing, and protested in the name of his master, the Emperor of the French, against the step which the Bey proposed to take. Still, with apparent calmness, the Bey replied, that regarding himself as an independent sovereign, he could accept no dictation from any foreign representative. At the conclusion of his remarks, presuming from the silence that the interview was ended, he reached out his hand as an act of parting courtesy; whereupon the consul scornfully drew back from the Bey, giving an unmistakable expression of disrespect.

Meanwhile, the letters of introduction arrive from the other consuls named, and it is decided that the envoy depart on Monday, the 14th instant, instead of Thursday, the 17th. Towards evening on the 14th instant the appointed envoy, General Kheridine, arrives, after visiting the tomb of a Moslem saint on his way, at the Bey's Coletta palace; when forthwith appears the lieutenant of the French iron-clad *Invincible*, and requests an interview. Being received, the lieutenant informs the general that he was instructed by his commander to use his utmost efforts to dissuade him from attempting to set out for Constantinople, adding, as a final argument, that force would be employed, if necessary, to prevent his departure. The general replied: "Be it so; I have received my orders from my sovereign, and must obey them to the extent of my ability. If the force which you threaten is employed, the responsibility will not rest with me."

The lieutenant shortly afterwards signalled the *Invincible*, and the fires were lighted to get up the steam. The general was soon on board the Bey's steamer the *Bechir*, whose steam was already up, and at 8 o'clock he set out on his mission, tacking about so as to avoid, as far as possible, approaching the *Invincible*. The commander of the *Invincible*, observing this movement, turned his vessel to encounter the *Bechir*, and signalled her to stop, employing a profusion of Bengal lights to the amusement of large numbers upon the shore. But the Bey's steamer had the advantage of speed, and being light, was enabled to take a short passage and so, after some hours of sailing, escaped further pursuit. The commander of the *Invincible* was not prepared to take the responsibility of using his cannon. The next morning his ship returned to her place of anchor.

This affair has called forth a variety of inquiries and comments. What do the French mean by such conduct? One reply is, that they mean to make the Mediterranean a French lake and this is their way of attempting to reach such a result. When such an idea is suggested, there is but one feeling awakened aside from Frenchmen. "Never shall that be," exclaimed John Bull, and *Amens* are uttered on every hand. But the more common and probable opinion is, that the French officials here are wanting in tact and good sense, and that their folly is causing to their government trouble and loss of influence. What seems most astonishing is to see such pretensions set up without any adequate efforts on the part of the French government either to justify and sustain them or to rebuke them. French corsairs have come to be named in the same breath with those of the confederates.

The Bey's object in this mission is readily perceived. He designs to express his gratitude to the Grand Sultan for having sent his ambassador here in the time of trouble. While, with the example of Tripoli and Egypt before him, he would shrink from the free embraces of his religious superior, he is quite willing, by a system of coquetry, to chill the troublesome amours of the French Emperor, and rebuke his pretentious manners. And in this course of action he receives encouraging expressions on every hand.

I am, sir, very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

No. 57.]

UNITED STATES CONSULATE,
Tunis, November 26, 1864.

SIR: I have the honor to acknowledge the receipt of despatches Nos. 10 and 11. My communication dated September 11 should have been numbered 49.

The Bey has recently organized a body-guard, composed of about 500 picked men. On my visit at the Bardo, on the 22d instant, these troops appeared out for the first time in a new zouave uniform. The epithet *zouave* is of Arabic origin, and has been employed here from time immemorial to indicate irregular troops. The Tunisian *zouave* uniform is of a brilliant scarlet color, and differs otherwise considerably from that designated by the same epithet in France and America. The Bey, dressed out in the same style, was cheered by his troops, and after passing them in review retired within his palace.

I afterwards had an extended conversation with the minister of foreign affairs respecting the political positions and relations of Tunis with other nations. I began by stating that though it is contrary to American policy to take an active part in European politics, it is my duty to obtain accurate information and communicate it to my government in regard to passing events, and the solution of questions of national interest. I then referred to the different views entertained

in regard to the relations of Tunis with Turkey, France and other nations. The minister's reply was substantially as follows:

"We claim to be politically independent. The Beys of Tunis have been for centuries untrammelled in their foreign relations and in their domestic administration. They have made treaties with foreign powers, and foreign representatives have been accredited directly to them, and the representatives of our government have been in most cases received with the same courtesy that we have shown. The actual Bey of Tunis is *de facto* independent, though *in form* he is yet subordinate to the Grand Sultan; but *this form* we maintain to be religious, not political, in its character. The Sultan is the chief of the Moslem hierarchy, and as such he is recognized and honored by the Bey. Prayers are offered in his behalf in our mosques in connexion with the Bey, and his name is stamped on our money, side by side with that of the Bey. The Bey regards the Grand Sultan as his religious superior, and desires to maintain towards him the most grateful relation."

The minister referred, in the course of his remarks, to the fact, that though France has by her acts recognized the Bey as an independent sovereign, her present consul has adopted a course of action as if the Bey was a subordinate French subject. On the contrary, though England refuses such a recognition of the Bey's independence as is implied by the formal reception at court of the Bey's envoys, still her influence and bearing are in the main favorable to Tunisian prosperity and independence. The British consul recognizes the authority and competence of the Tunisian courts by himself appearing as a plaintiff before them.

The Emperor of Austria has recently, as I learn from the Austrian consul, received an envoy of the Bey on two occasions, each time with full honors, though the ceremonies occurred at the Emperor's palace, just out of his capital, probably to avoid disturbing the susceptibilities of the Sultan. Italy last year gave to the Bey a decoration, such as is confined to independent sovereigns, but how the Bey's envoy was afterwards received I am unable to state. Since my arrival here the Bey has sent an envoy twice to Madrid, and once to the following places, viz: Berlin, Stockholm, Copenhagen, the Hague, and Brussels, at each of which places the envoy was received with all the honors that belong to a representative of an independent sovereign. There is no question, so far as I know, in regard to the Bey's being *de facto* an independent sovereign. Even the English consul, who stoutly maintains for political reasons the suzerainty of the Sultan, virtually yields this point, but opposes the *formal* recognition of the *de facto* independence until the Bey can have a satisfactory guarantee of his separate existence. The impression is general here that the progress of events tends towards the formal recognition of the Bey's independence, together with a guarantee of his possessions by the high powers of Europe; and it is not improbable that the Sultan, seeing his inability either to possess himself of Tunis, or to protect the Bey in his possession of it, would readily assent to such an arrangement. It is certain that the conduct of the Sultan towards the Bey during the difficulties of the past season was friendly, and is now gratefully remembered. The reasons for the Bey's desiring to be recognized and guaranteed as an independent neutral sovereign are numerous and important. At present the jealousies between France, England and Italy are such as to embarrass the government at every step. Whatever one consul wants, the other two consuls are almost sure to oppose and defeat. Thus no railroad can be built from here to Goletta, and improvements are checked on every hand.

Very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SUPPLEMENT
TO
CORRESPONDENCE WITH GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 685.]

LEGATION OF THE UNITED STATES,
London, May 12, 1864.

SIR: I transmit herewith a copy of the London Times of the 10th instant, containing a report of the proceedings of the Court of Queen's Bench on the application for a writ of habeas corpus on behalf of the pirates in the case of the Joseph L. Gerety. It is not unlikely that you may receive another from a special reporter engaged by Mr. Dudley, as he intimated to me his intention to employ one.

The questions involved in this case are not without difficulty, and the decision upon them, whatever it may be, must have an important bearing on the efficacy of the provisions of the extradition treaty hereafter.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

COURT OF QUEEN'S BENCH—WESTMINSTER, *May 9.*

Sittings in Banco, before the LORD CHIEF JUSTICE, Mr. Justice BLACKBURN, Mr. Justice MELLOR, and Mr. Justice SHEE.

The case of the confederates charged as pirates.

EX PARTE TERNAN AND OTHERS.

This was the case of the prisoners now in jail at Liverpool charged with piracy, and arrested and detained by order of the secretary of state, at the instance of the American minister, for the purpose of being delivered up to the United States under the act for enforcing our extradition treaty with that country. It was admitted in the argument that the general object and scope of that treaty arose out of the fundamental maxim or principle of our law that "crime is local," and is triable only in the country, and even the county, where it has been committed. On this subject the common law of America—which is in fact our own—is of course the same, though there is an exception, arising from another great principle of our law, that allegiance over native-born subjects is not local, but attaches its obligations to them wherever they are, from which it follows that if a British subject commit a murder on a British subject in America he could be tried and convicted here; and so in the converse case of a murder here by an American subject on an American subject, he could be tried in America. But if the crimes were not committed both by and upon the subjects of the state assuming to try the criminal, the case would not be so triable, and would only be triable abroad where the crime was committed.

Such being the general principles of common law and international law on the subject, in 1842 a treaty of extradition was entered into which is recited in the act. That act recites the treaty thus:

"That by the 10th article of the treaty of 1842 it was agreed that the United States and her Majesty should, on mutual requisition by them or their ministers, &c., deliver up to justice persons who, being charged with the crime of murder, piracy, robbery, arson, or forgery, committed within the jurisdiction of either of the contracting parties, should seek an asylum or be found within the territories of the other: provided, that this should be only done upon such evidence of criminality as, according to the laws of the place where the fugitive person so charged should be found, would justify his apprehension and commitment for trial for the crime alleged to have been committed."

And then the statute proceeds to enact—

"That in case of any requisition at any time made by the authorities of the United States in pursuance of or according to the treaty for the delivery of any persons charged with the crime of murder, piracy, arson, robbery, or forgery, committed within the jurisdiction of the United States of America, who shall be found within the territory of her Majesty, it shall be lawful for one of her Majesty's secretaries of state, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all justices of the peace, &c., to govern themselves accordingly, and to aid in apprehending the persons so accused, and committing them to jail for the purpose of their being delivered up to justice according to the treaty; and thereupon it shall be lawful for any justice of the peace, &c., in that part of her Majesty's dominions where the offenders shall be found, to examine upon oath into the charge; and, upon such evidence as, according to the law of that part of her Majesty's dominions, would justify the apprehension and committal for trial of the person so accused if the crime of which he were accused had been committed there, to issue his warrant for the apprehension of such persons and commit them to jail, there to remain until delivered up in pursuance of the requisition. And upon the certificate of such justice of the peace that the offender has been so committed, it shall be lawful for one of the secretaries of state, by warrant under his hand and seal, to order the person so committed to be delivered up to such persons as shall be authorized in the name of the United States to receive such persons so committed, and convey them to the territory of the United States to be tried for the crime of which they are accused, and thereupon they shall be delivered up."

It should be mentioned that, as was stated in the course of the argument, the treaty was entered into as incidental to a treaty of boundary, and one for the first time making, by the laws of both countries, the slave trade piracy. It should also be here mentioned that (as observed by the lord chief justice) the laws of the United States and of this country are in this respect peculiar—that their statute laws make certain acts piracy which would not be so by the common law or the law of nations; as to which, or piracy *jure gentium*, Sir Leoline Jenkins, a celebrated admiralty judge of the last century, laid it down that it is "justiciable" (*i. e.*, amenable to justice, or triable) in the courts of any country. And it is defined by Wheaton as the offence of depredation on the high seas without being authorized by any sovereign state. Further, it is to be borne in mind that (as observed by Mr. Justice Shee) the statutes or peculiar law of either country might have made certain acts piracy committed within creeks or harbors not upon the high seas. And it was stated that there are certain acts of Congress making acts piracy which would not be piracy by the common law of either country or by the law of nations. Such being the law upon the subject, the circumstances under which the present case had arisen were these: In November last an American schooner—the *Gerrity*—lay at Matamoras, laden with a cargo of cotton, bound for New York. Some six or

more men—including the prisoners—took passage on board, and embarked on board as passengers. It was admitted that they went on board armed for the very purpose of seizing the vessel, and under the command of one Hogg, who assumed to be in the confederate service, and professed to have papers from the confederate government, and under whose orders they acted. The vessel left Matamoras on the 16th of November, and at half past 12 on the night of the 17th the men thus embarked under his orders rose upon the master and crew and seized the ship, cast the master adrift in the Gulf of Mexico, and took the ship to Belize, in the British Honduras, where it would appear they abandoned the ship and sold the cargo, part of which had found its way to Liverpool. In January last three of the men (two of whom were British subjects) were found to be at Liverpool, and on the information of the master of the schooner, who also happened to be there, Mr. Adams, the American minister, made a requisition to Sir George Grey under the above act, and he thereupon issued his warrant to the magistrates of Liverpool, under which they issued their warrants to arrest the men, and they were accordingly so arrested, and were then charged with piracy, on the evidence mainly of the master of the ship seized, who distinctly stated that Hogg told him he had papers to justify what he did, and that he was a major in the confederate service, and that he (the master) believed him to be so, and he also stated that the other men acted under his orders, and that when they seized the ship they said they did so for the confederates; and that Hogg spoke about Jefferson Davis. The statements of the prisoners were likewise given in evidence, and were to the effect that they were engaged by Major Hogg, of the confederate service, for the purpose of seizing the ship, and that he showed them documents signed by a General Bee, and stating that they were authorized by Jefferson Davis to do so. Upon the evidence adduced before the magistrate it was submitted, on the part of the prisoners, that the act was not piracy, and not within the treaty. The magistrate (at the suggestion of Mr. Justice Willes, at the assizes) remanded the men from time to time, in order to allow of their making an application to this court, the warrant for their committal distinctly stating that they were committed, not for the purpose of trial in this country, but of delivering up under the treaty.

Mr. Edward James, Q. C., (with him Mr. Littler and Mr. F. H. James,) had, on behalf of the prisoners, obtained a rule *nisi* for a *habeas corpus*, directed to the jailer at Liverpool, for the purpose of bringing them up with a view to their discharge, and now moved to make that rule absolute.

Mr. Lush, Q. C., (with Mr. Milward and Mr. Lushington,) appeared to show cause against the rule, instructed on behalf of the American minister. "The question (he said) is, whether there is sufficient evidence before the magistrate to justify him in committing the men for trial."

The Lord Chief Justice. There is an antecedent question much more important—whether the act applies where the offence is not exclusively within the jurisdiction of the state making the requisition? And are you not in this dilemma—that either this is not piracy, (in which view the case, of course, is at an end) or, if it is piracy, that it is cognizable by the courts of this country, and so is not within the treaty of extradition? There appears to be the great difficulty.

Mr. Lush said he was quite aware of it, and was prepared to meet it. What was piracy? Wheaton defined it to be the offence of depredating on the high seas without the authority of any sovereign power. That was piracy "*jure gentium*," by the common law or by the law of nations. But, then, there was municipal piracy, or piracy created only by municipal laws, and which would not be piracy by the law of nations; and the word included both. Now, here the facts showed a *prima facie* case of piracy in the larger sense—piracy by the law of nations. There was the embarking on board as passengers, the seizure of the ship on the seas, the casting the master adrift, the abandon

ing of the ship, the sale of the cotton, and the possession of articles belonging to the master and crew. There is a charge of piracy under legal investigation; the magistrate would be bound to hear further evidence; in point of fact, further evidence could be adduced, the case is not closed, the committal is not final.

Mr. Justice Blackburn. The real point is whether—assuming that it is closed and is final—it is within the treaty. Whether the case is closed and the committal is final can be raised on the return to the writ.

Mr. Lush observed that two of the men were British subjects.

The Lord Chief Justice. That makes no difference upon the question, however it may render them liable to the municipal law of their own country for entering into a foreign service without their sovereign's leave. But if they, in point of fact, were in that service, and seized the ship in the course of that service, is it piracy?

Mr. Lush. This is the question to be tried on the evidence.

The Lord Chief Justice. But there is the antecedent question whether, even assuming the clearest case of piracy, it is within the treaty as triable only in America.

Mr. Lush remarked that the vessel had been abandoned by the captors, and the cargo sold.

The Lord Chief Justice. We know not under what circumstances—stress of weather, or pursuit of hostile cruisers. But assume that it is piracy—can you bring it within the treaty?

Mr. Lush said he would deal with that question. He admitted that no doubt the general object of the treaty, as a treaty of extradition, was the extradition of offenders from the country in which they were found, and in which they could not be tried, to a country which claimed them for the purpose of trial. Generally speaking, the subjects of the treaty would be offences which could not be punished elsewhere than in the country claiming the men. It was a general principle that crime was local, and could only be tried in the country where it was committed. But though this was so as to most cases, it was otherwise as to piracy. That word was not in other extradition treaties—for instance, it was not in the treaty with France, which proceeded only on crimes strictly local in their character. And many of the crimes mentioned in the present treaty are so. But there is the word “piracy” introduced into the American treaty, a treaty between two great maritime countries. Now the word comprised piracy *jure gentium* and piracy by municipal law, which may include acts not piratical by the common law. Now piracy *jure gentium* is defined to be the committing of an act of depredation on the high seas which, if committed on land, would be felony. And in that sense pirates were deemed to be enemies of the human race, and triable and punishable anywhere. By the general law of nations pirates in that sense may be tried in any country in which they may be found. But there is also piracy by municipal law, and there are acts punishable as piracy by the law of the United States which are not so punishable in this country. And the word “piracy” is used in both senses in this treaty. Moreover, piracy, like murder, may be committed on board an American ship, and if so, is within American jurisdiction. Murder committed on board an American ship would be murder committed within the jurisdiction of the courts of the United States, just as murder committed on board an English ship on an English subject would be murder within the jurisdiction of the English courts. So, as to piracy, even assuming it to be piracy *jure gentium*, yet as being committed on board an American ship it would be within the jurisdiction of the American courts; for a ship is for legal purposes the soil or territory of the country to which it belongs, and piracy on board an American ship would be piracy within American jurisdiction.

Mr. Justice Blackburn. You are speaking of piracy *jure gentium*?

Mr. Lush. Yes.

Mr. Justice Mellor. That would be triable in the courts of this country?

Mr. Lush. Yes; but the statute does not apply merely to cases triable exclusively in the American courts.

Mr. Justice Blackburn. Surely the whole scope and scheme of an extradition treaty applies it to offences not committed within the jurisdiction of the courts of the country where the offender is found. Is not that the sense and spirit of the treaty?

Mr. Lush said he could not admit it to be so.

The Lord Chief Justice cited *Kent's Commentaries* (an American work) to the effect that such treaties applied to crimes which could not be punished in the country where the offender is found.

Mr. Lush said he had already admitted, and he admitted again, that the general object of the treaty was the extradition of offenders who could not be tried in this country. But the offence of piracy was peculiar and exceptional, and the word "piracy" in the act embraces such a case as this.

Mr. Justice Blackburn. Is not the effect of piracy this—that by force it overbears and destroys the nationality of the ship, so that it necessarily, for that very reason, becomes a crime punishable in the courts of any country?

Mr. Lush disputed this; otherwise the courts of this country might claim to take cognizance of cases of piracy *jure gentium*, within three miles of the American coast, and so within the American dominion.

Mr. Justice Blackburn. That is a very different case from the present.

Mr. Lush. But if you once construe the term "piracy" to comprise cases on board an American ship, it would equally include piracy in American creeks or harbors within American dominion. Take the case of murder; no one could doubt the treaty might embrace cases of murder in which our courts might have jurisdiction. Suppose the case of the murder of one English subject by another in the streets of New York. Surely that would be within the act; yet the offender could be tried either in America or in England.

The Lord Chief Justice. Not in this country, except by virtue of particular statutes to meet such cases.

Mr. Justice Blackburn. Do you say that if the courts of this country were about to try a British subject for the murder of another British subject in New York, it would be competent to the American government to demand his delivery up?

Mr. Lush. Certainly.

Mr. Justice Blackburn. If you could make that out, you would do a great deal certainly.

Mr. Lush. Would not such a case be the case of a crime committed "within the jurisdiction" of the courts of the United States?

The Lord Chief Justice. But surely the very case supposed is strong to show that those words in the treaty must mean exclusive jurisdiction.

Mr. Lush. There is no such word in it.

The Lord Chief Justice. But is not that so clearly the spirit and scope of the treaty that it must be construed in that sense? Where there is concurrent jurisdiction in the courts of both countries, and the prisoner is in the custody of the courts of one country, can it be contended that the treaty was intended to oust its jurisdiction, and to enforce the delivery up of the prisoner merely that he should be tried in the courts of the other country?

Mr. Lush said he so argued. Such, he insisted, was the bargain made between the two countries, and they must both abide by it.

Mr. Justice Blackburn. The "bargain" of the two countries is set forth in the treaty itself, and does it not point to extradition in cases of exclusive jurisdiction?

The Lord Chief Justice. Is not its scope and spirit this—to prevent fugitive offenders escaping from justice?

Mr. Justice Shee. The words are “seeking an asylum” in the country in which they are found.

Mr. Lush. That means merely that they are seeking to avoid trial, and the words are, “seeking an asylum or found.” The learned gentleman went on to argue that here the crime was committed within the jurisdiction of the American courts, because it was committed on board an American ship. He cited a case in our courts to show that it had been held here that an English ship on the high seas is part of the territory of England, and that a foreigner on board of such ship is subject to our laws, and that therefore if he commits there an act criminal by our law he may (by statute) be tried in our courts.

The Lord Chief Justice observed that the effect of this was merely that by statute a British ship was made British territory for the purposes of our own criminal law. It did not establish any general principle of common or international law.

Mr. Justice Mellor remarked that the essence of piracy in the common-law sense was that it was an offence not against any particular nation, but against mankind in general.

Mr. Lush. No doubt; but then it is an offence which must be committed in some locality, and if committed on board an American ship there is jurisdiction in the American courts; if on board a French or English ship, then there is jurisdiction in the French or English courts.

Mr. Justice Blackburn said he had derived from the American authorities the impression that their view of the law was that the effect of piracy was to overbear and destroy the nationality of the vessel.

Mr. Lush said he thought otherwise, but he was aware that in a case of the “United States *vs.* Flintoff,” (5 *Wheaton's Reports*,) it was laid down that a commission issued by a person as an officer of the Mexican republic, or any unknown and unacknowledged state, would not authorize armed vessels to capture vessels of belligerents, and it was also laid down that a person acting with good faith, under circumstances showing that the seizure was made *animo furandi*, might be guilty of piracy.

Mr. Justice Blackburn cited other cases in the same volume of *Wheaton's Reports*, showing that the American view of the law was that the effect of an act of piracy in seizing a vessel was to divest it of its nationality, and constitute a crime equally punishable everywhere, as being piracy by the law of nations.

Mr. Lush. There might be piracy without any actual seizure of the vessel.

Mr. Justice Blackburn. But that is not the present case. Here there was certainly a seizure.

Mr. Justice Mellor observed that the whole evidence showed that this was the object.

Mr. Lush admitted again that piracy at common law was cognizable in the courts of any country, but that did not make it, he urged, less within the treaty. For if so, why was the word “piracy” introduced at all? What effect of application would it have?

Mr. Justice Shee observed that there might be piracy by statute in some creek or harbor within the territorial jurisdiction of the United States, or, as we should say in England, within the body of a country.

Mr. Lush. No doubt; and that is comprised in the word “piracy,” and was meant to be included in the treaty; and so of piracy in an American ship.

Mr. Justice Shee. You lay down a very large proposition in saying that a ship is the territory of the country to which it belongs. If that were so, then how would it be lawful to go on board a ship to take contraband of war?

Mr. Lush. That is a justifiable right of war.

Mr. Justice Shee. It is not put on that ground. It is founded on the fact that the ship on the high seas is not part of the territory of the neutral.

Mr. Lush. It is a right conceded to a belligerent, and is a justification of what otherwise would be in the nature of a trespass. On the same ground the right of search is not conceded because the ship is deemed part of the territory; and what takes place on board a ship is, therefore, within the territory, and so within "the jurisdiction" of the country to which the ship belongs.

Mr. Justice Shee. Those words in the act may mean territorial or local jurisdiction, or they mean that legal jurisdiction which by our law is imposed upon its subjects, wherever they are, as a consequence of allegiance. Here, however, they appear to mean territorial jurisdiction, and they may have a sensible meaning in that sense with reference to the laws of the United States without resorting to the doctrine that a ship on the high seas is within the jurisdiction of the country to which it belongs; for if a ship were within a creek or haven of the United States the act would be piracy by the American statutes, and it may be that the words have that meaning.

Mr. Justice Blackburn cited *Kent's Commentaries* to show that it was of no importance on whom or where a piratical offence is committed, as the pirate may by the laws of all countries be tried in any country where he is found.

Mr. Lush contended that, nevertheless, the case was within the act.

Mr. Justice Shee observed that the words "deliver up to justice" surely meant that the case was one in which the offence would not be triable unless the prisoner was delivered up.

Mr. Justice Mellor. The object is to prevent an escape from justice.

Mr. Lush urged that the country on whose ship the piracy had been committed had a greater interest in trying it.

Mr. Justice Mellor. But it would not try it more impartially than we should.

Mr. Lush. Nor less so, I hope.

Mr. Justice Mellor. No, nor less so; but then there is not, that I can see, any balance of convenience or "interest" in favor of the trial in America. The trial can be had quite as effectually here.

Mr. Lush. There may be no prosecutor.

The Lord Chief Justice. Here it appears that there is, and there have been preliminary proceedings.

Mr. Lush. It may be that the proofs may be given with more facility in this country.

The Lord Chief Justice. You yourself must argue that a case has been or may be made out against the prisoners here.

Mr. Lush. A *prima facie* case; but we should have to bring over witnesses from America. There is no limitation as to British subjects, and there can be no doubt that we should be bound to deliver up British subjects under this act. The American government would not enter into a treaty of extradition with a stipulation excepting British subjects from its operation. The learned counsel then went on to argue that there might be a charge of piracy under the municipal law of America cognizable only in the courts of that country.

Mr. Justice Blackburn. But here there is one state of facts, and it is all one case, and it is all equally piracy.

The Lord Chief Justice. And if the men are delivered up on the minor charge there can be no doubt that they would be tried upon the other.

Mr. Lush. There was the act of robbery on the high seas, independently of the seizure of the ship, and that by the American law is piracy.

The Lord Chief Justice. But we cannot disguise from ourselves that the real offence was the seizure of the ship.

Mr. Justice Mellor. All the evidence shows that such was the object of the men and the real character of the act.

Mr. Justice Blackburn. And it is either piracy *jure gentium* or nothing. If

it was justified as the act of a belligerent, it is nothing. If it is not so justified it is piracy. It was all one entire act.

Mr. Lush then argued that, at all events, in any view, the men were liable to be tried here, and so could not be discharged.

The Lord Chief Justice. But the warrants show that they are not detained for trial in this country, but for the purpose of delivery up to the American authorities.

Mr. Lush. Still they ought not to be discharged, as they might be properly detained.

The Lord Chief Justice. Suppose we are of opinion that the effect of the treaty is not to oust the courts of this country of their jurisdiction, there is no right to detain the men for the purpose of delivering them up to the American authorities; and it would be too late if we waited until they were actually about to be delivered over.

Mr. Lush. That would depend on the secretary of state.

The Lord Chief Justice. This warrant issues as a matter of course if the men are once committed to be delivered up.

Mr. Justice Blackburn. If the men are really detained for trial in this country that would be a good return to the writ of *habeas corpus*. But nothing in the case shows that that is so.

The Lord Chief Justice. And if the men are illegally detained, as the matter now stands, they are entitled to be discharged.

After some further discussion, the learned judges went out to consider of their decision, and on their return,

The Lord Chief Justice said, we are of opinion that the rule should be made absolute. We do not desire, at the present stage of the case, to express any decision as to the construction of the statute; but we think that, in a matter of so much importance in an international point of view, it is desirable that we should have before us all the materials on which to form our judgment on authoritative grounds. We therefore think it better that the rule for a *habeas corpus* should be made absolute.

The rule will be argued next term, which begins on the 23d instant.

